DOCUMENT RESUME

ED 284 826 SO 018 526

AUTHOR	Patrick, John J.
TITLE	Lessons on the Northwest Ordinance of 1787: Learning Materials for Secondary School Courses in American History, Government, and Civics.
INSTITUTION	ERIC Clearinghouse for Social Studies/Social Science Education, Bloomington, IN.; Indiana Committee for the Humanities, Indianapolis.; Indiana Historical Bureau, Indianapolis.; Social Studies Development Center, Bloomington, Ind.
SPONS AGENCY	Office of Educational Research and Improvement (ED), Washington, DC.
REPORT NO	ISBN-0-941339-02-5
PUB DATE	Sep 87
CONTRACT	400-86-0020
NOTE	95p.
AVAILABLE FROM	Indiana Committee for the Humanities, 1500 North Delaware Street, Indianapolis, IN 46202 ($8.50 plus $1.50 shipping).
PUB TYPE	Guides - Classroom Use - Guides (For Teachers) (052) -- Guides - Classroom Use - Materials (For Learner) (051) -- ysesHistorical Materia
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	*Civics; History Instruction; Instructional Materials; Primary Sources; Resource Materials; Secondary Education; *Social Studies; *United States Government (Course); *United States History; Units of Study
IDENTIFIERS	*Historical Materials; *Northwest Ordinance 1787

ABSTRACT

The principles embodied in the Northwest Ordinance of 1787 served as an intellectual highway over which poured the westward march of this nation. The story of the Northwest Territory's acquisition and the enactment of the Ordinance of 1787 is related through nine lessons and accompanying documents. Each lesson is designed to complement the secondary school curriculum and to supplement textbooks. The origin of the claims to the territory and the examination of acts associated with the territory's organization are discussed in lesson one. The formulation of a federal land policy is reviewed in lesson two. The Confederation Congress' enactment of the Ordinance of 1787 and its major aspects are emphasized in lessons three and four. Lesson five emphasizes the governmental process and statehood achievement. The guarantee of basic civil liberties and rights to people living on the frontier and outside of the original 13 states and the assurance that the new territories would eventually be granted statehood are described in lesson six. The progress to statehood by each of the five states in the Northwest Territory is depicted in lesson seven. The original documents that chronicled Indiana's advancement toward statehood are highlighted in lesson eight. The last lesson serves as a review of the unit by presenting a timetable of main events associated with the enactment and application of the Northwest Ordinance. The appendix includes 15 abridged, historical documents that are used with the lessons. A bibliography is included. (SM)

ED284826

UPPER CANADA
SUPERIOR
LAKE MICHIGAN
LAKE ERIE
OHIO
CHILICOTHE
KENTUCKY
UPPER TERRITORIES of the UNITED STATES

Lessons on the Northwest Ordinance of 1787

Learning Materials for Secondary School Courses in American History, Government, and Civics

By
John J. Patrick

BEST COPY AVAILABLE

1987

SO018526

ERIC

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.

- Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

Lessons on the Northwest Ordinance of 1787

Learning Materials for Secondary School Courses in American History, Government, and Civics

By
John J. Patrick

Upper Territories of the
United States, 1816
By F. Lucas, Baltimore and Philadelphia, 1817. Courtesy Indiana Historical Society.

Indiana Historical Bureau

Indiana Committee for the Humanities
with the cooperation of the
National Endowment for the Humanities

Social Studies Development Center
Indiana University

ERIC Clearinghouse for Social Studies/
Social Science Education

1987

ORDERING INFORMATION:
This publication is available for $8.50 plus $1.50 postage and handling from
Indiana Committee for the Humanities
1500 North Delaware Street
Indianapolis, IN 46202

ISBN 0-941339-02-5

This publication was developed by the ERIC Clearinghouse for Social Studies/Social Science Education, and published in September, 1987. Copublishers are the Indiana Historical Bureau, the Indiana Committee for the Humanities, and the Social Studies Development Center.

This publication was prepared with funding from the Office of Educational Research and Improvement, U. S. Department of Education, under contract no. 400-86-0020. The opinions expressed do not necessarily reflect the positions or policies of OERI or ED.

Contents

About the Author v
Acknowledgments vi
Foreword vii
Introduction 1
Lesson 1: The Northwest Territory, 1776-1783 5
  Teaching Plan
  Learning Materials for Students
Lesson 2: Beginnings of a Federal Land Policy: The Ordinances of 1784 and 1785 11
  Teaching Plan
  Learning Materials for Students
Lesson 3: Origins and Development in Congress of the Northwest Ordinance, 1785-1787 15
  Teaching Plan
  Learning Materials for Students
Lesson 4: What Is the 1787 Northwest Ordinance? 19
  Teaching Plan
  Learning Materials for Students
Lesson 5: What Does the Northwest Ordinance Say about Governance? 25
  Teaching Plan
  Learning Materials for Students
Lesson 6: What Does the Northwest Ordinance Say about Civil Liberties and Rights? 31
  Teaching Plan
  Learning Materials for Students
Lesson 7: State Making Under the Northwest Ordinance, 1803-1840 35
  Teaching Plan
  Learning Materials for Students
Lesson 8: The Northwest Ordinance and Indiana's Advancement to Statehood, 1800-1816 41
  Teaching Plan
  Learning Materials for Students
Lesson 9: Timetable of Main Events Associated with the Enactment and Application of the Northwest Ordinance 47
  Teaching Plan
  Learning Materials for Students

Appendix: Documents

This Appendix includes fifteen documents that are used, in abridged form, in the lessons of this volume. The documents are listed below.

1. Clark's Letter of Instruction, 1778 53
2. Resolution of Congress on Public Lands, 1780 54
3. Treaty of Paris, 1783 55
4. Virginia Act of Cession, 1783 57
5. Ordinance of 1784 59
6. Land Ordinance of 1785 61
7. The Northwest Ordinance, 1787 65
8. Act Creating Indiana Territory, 1800 69
9. Harrison Land Act, 1800 70
10. Proclamation: Announcing That Indiana Territory Had Passed to the Second Grade, 1804 75
11. Act Dividing Indiana Territory, 1805 76
12. Act Dividing Indiana Territory, 1809 77
13. Indiana Suffrage Act, 1811 78
14. Memorial for Indiana Statehood, 1815 79
15. Indiana Enabling Act, 1816 81

Select Bibliography 83

About the Author

JOHN J. PATRICK is director of the Social Studies Development Center, director of the ERIC Clearinghouse for Social Studies/Social Science Education, and a professor of education at Indiana University. Dr. Patrick is an experienced researcher, curriculum developer, and author. He has conducted curriculum studies on history, civics, and government in secondary schools and has written textbooks and other learning materials for secondary school students of American history, government, and civics. Among his publications are *Lessons on the Constitution, Lessons on the Federalist Papers, History of the American Nation, Civics for Americans, The Young Voter,* and *American Political Behavior.* Dr. Patrick has served as a member of the Governor's Task Force for Citizenship Education, the Indiana Committee for the Bicentennial Celebration of the Northwest Ordinance of 1787, and the Indiana Commission on the Bicentennial of the United States Constitution.

7

Acknowledgments

The author thanks the following colleagues who served as reviewers of this work and contributed to improvement of the teaching plans and learning materials. The reviewers were James H. Madison, associate professor of history at Indiana University, James Weimer, social studies teacher at Tri-North Middle School of Bloomington, Indiana, and Patricia Wilson, social studies teacher at Bloomington High School North.

The author appreciates the support and encouragement of Kenneth Gladish, executive director of the Indiana Committee for the Humanities and Pamela J. Bennett, director of the Indiana Historical Bureau.

Development of these lessons on the Northwest Ordinance was initiated through a program of the Social Studies Development Center and the Indiana Council for the Social Studies—"The Bicentennials of '87 and Citizenship Education in Indiana." This program was made possible through a matching grant from the Indiana Committee for the Humanities in cooperation with the National Endowment for the Humanities.

Development of these lessons was completed through the publications program of the ERIC Clearinghouse for Social Studies/Social Science Education at Indiana University.

Funding for this publication was provided by the Indiana Committee for the Humanities with the cooperation of the National Endowment for the Humanities, and the Social Studies Development Center. Printing and binding of this volume was done by the Indiana Historical Bureau. The author is grateful for editorial services provided by Dorothy Taylor. The cover map, Northwest Territory 1787, was provided by the Indiana Historical Society; color separations were provided by the Ewing Printing Co., Vincennes, Indiana.

Foreword

Lessons on the Northwest Ordinance is the product of a fruitful partnership between the Indiana Council for the Social Studies, the Social Studies Development Center, and ERIC Clearinghouse for the Social Studies, all at Indiana University, the Indiana Historical Bureau, and the Indiana Committee for the Humanities. *Lessons* is but one of an increasing number of projects brought to a successful conclusion through the cooperation of Indiana's educational and cultural organizations. The Indiana Committee for the Humanities is happy to have been able to support the development of *Lessons* as a part of the Bicentennial of the Northwest Ordinance. All of the agencies involved in the project are pleased to bring this educational resource to a national audience.

The intellectual leadership and imaginative force behind the project came from John Patrick of Indiana University. His devotion, dedication, and energy are a truly unique resource to all of his colleagues in Indiana and throughout the nation.

The Northwest Ordinance is one of the great texts of the American democracy. Along with the Declaration of Independence and the U.S. Constitution, the Ordinance served to provide a foundation for the construction of liberty and order in the 18th and 19th centuries. The Ordinance deserves special study and attention in America's classrooms. The study of the Ordinance and its application provides a lesson to all those who care to learn about how the American nation spread from the seaboard and eastern mountains to the heartland and the Great Plains.

The Bicentennial has produced a great number of new contributions to the study of the Northwest Ordinance. The anniversary has provided a time for celebration, reflection, new scholarship, and educational resource development. Such work has been much needed and is long overdue.

As a part of this new work, the present volume of *Lessons on the Northwest Ordinance* deserves wide distribution and frequent use in classrooms throughout America.

Kenneth L. Gladish
Executive Director
Indiana Committee for the Humanities

Introduction

The summer of 1787 was a turning point in world history, when the Constitutional Convention and the Confederation Congress of the United States responded to critical problems with coordinate solutions that have had profound and far-reaching effects in America and elsewhere around the globe. The Founding Fathers in Philadelphia—facing the challenge of how to create a workable free government in a large country—established enduring principles of liberty under law in the Constitution of 1787. They created novel conceptions of federalism and republicanism, which paradoxically blended national supremacy with states' rights and strong government with strict limits to protect individual rights.

Meanwhile, members of Congress in New York, under the moribund Articles of Confederation, created a brilliant policy for governing a vast area north and west of the Ohio River in the Ordinance of 1787—a liberal and innovative plan for colonial administration and national development. They designed an orderly and equitable means of transforming dependent territories into self-governing and co-equal states of an expanding Federal Union. Thus, the Constitutional Convention and Confederation Congress, acting separately and simultaneously, created interlocking parts in the foundation of our American nation.

Main Provisions of the Ordinance of 1787

The Northwest Ordinance—enacted on July 13, 1787, and reaffirmed as federal law by the new U. S. Congress in 1789—stipulated that no less than three and no more than five states would be created out of the Northwest Territory, which was acquired from Britain through the Treaty of Paris in 1783. Eventually, the states of Ohio (1803), Indiana (1816), Illinois (1818), Michigan (1837), and Wisconsin (1848) were created from this Northwest Territory, which also included a small area that became part of Minnesota (admitted to the Federal Union in 1858).

The Ordinance of 1787 provided a three-stage plan by which a territory could become a state on equal terms with all other states in the Federal Union. During *stage one*, a governor, secretary, and three judges—all appointed by the U.S. Congress—would rule the territory. During *stage two*, when the population surpassed 5,000 adult males, eligible voters (male owners of at least fifty acres of land) would elect representatives to the lower house of the territorial legislature; main power of the territorial government would be exercised by the executive officials and the upper house of the legislature, a five-member body, appointed by the U. S. Congress. A territory would enter the *third stage* when its population became more than 60,000 inhabitants; at this point, the territory would be permitted to write a state constitution and petition the U. S. Congress for statehood.

Under the Northwest Ordinance, federal law "would follow the settlers west and provide government for them until the process of development allowed for self-government. Above all, the ordinance held out to settlers the absolute commitment of statehood. . . . The westward moving pioneer would leave his home state but would eventually become a citizen of a new state, with all the rights enjoyed in the original thirteen."[1] Thus the Ordinance of 1787 bound western settlers to the Federal Union with guarantees of citizenship and self-government—a remarkable development in an era when most people in the world were ruled by tyrants of one sort or another, and when colonies were held by ruling powers only for exploitation.

In six Articles of Compact the Ordinance of 1787 also included guarantees of civil liberties and rights, many of which were not included in the U.S. Constitution until ratification of Amendments I through X (Bill of Rights) in 1791 and Amendments XIII and XIV in 1865 and 1868. Freedom of religion, due process in legal proceedings, the privilege of the writ of habeas corpus, trial by jury, protection of property, sanctity of contracts, and free public education were proclaimed as inviolable rights of territorial inhabitants. Furthermore, slavery or involuntary servitude was prohibited. According to Professor James H. Madison, "The articles of compact were intended to . . . reassure westward moving pioneers that they would not risk surrender of these fun mental rights. And they served also as guides for territorial officials and state constitution makers. Indiana's constitution of 1816 reiterated and extended the fundamental rights promised in the 1787 ordinance, including a very strongly stated commitment to education and prohibition of slavery."[2] Thus the Northwest Ordinance was an amazing charter of human freedoms in an era when legal rights were rare in western civilization and virtually nonexistent anywhere else in the world.

---

[1] James H. Madison, "The Northwest Ordinance and Constitutional Development in Indiana," *International Journal of Social Education*, 2 (Spring 1987): 18.

Of great importance to our social system today was the Northwest Ordinance's abolition of the ancient tradition of primogeniture, which gave the eldest son alone the right to inherit the land of his parents. According to the Ordinance of 1787, all children would share equally the estates of their parents. Thus, at the beginning of the American nation, a feudal custom that buttressed aristocracy against social change was ended.

Significance of the Northwest Ordinance

Leading American historians and statesmen have considered the Northwest Ordinance to be among the most important state papers of the United States. In 1830, Senator Daniel Webster of Massachusetts said, in a notable speech on the floor of the Senate, ". . . I doubt whether one single law of any law-giver, ancient or modern, has produced effects of more distinct, marked, and lasting character than the Ordinance of 1787."[3] In this speech, Webster also asserted with state-based pride the claims of Nathan Dane of Massachusetts to primary authorship of the Northwest Ordinance.

President Abraham Lincoln noted the importance of the Ordinance of 1787 in state-making beyond the old Northwest Territory. He explained how "that Ordinance was constantly looked to whenever a new territory was to become a state. Congress always traced their course by the Ordinance of 1787."[4] In Lincoln's time and afterwards, the Northwest Ordinance was used as a model to create states across the Great Plains to the Pacific Ocean.

At the turn of the twentieth century, President Theodore Roosevelt exclaimed, "In truth the Ordinance of 1787 was so wide reaching in its effect, was drawn in accordance with so lofty a morality and such far seeing statesmanship, and was fraught with such weal for the nation, that it will ever rank among the foremost of American State papers, coming in that little group which includes the Declaration of Independence, the Constitution, Washington's Farewell Address, and Lincoln's Emancipation Proclamation and Second Inaugural."[5]

On the occasion of the 150th anniversary of the Ordinance of 1787, President Franklin D. Roosevelt called it "that third great charter [after the Declaration of Independence and the Constitution]. The principles therein embodied served as the highway, broad and safe, over which poured the westward march of our civilization. On this plan was the United States built."[6]

Historian Ray Allen Billington wrote that "the Ordinance of 1787 did more to perpetuate the Union than any document save the Constitution. Men could now leave the older states assured they were not surrendering their political privileges. Congress had not only saved the Republic, but had removed one great obstacle to the westward movement."[7]

In a prize-winning work of American history, Daniel J. Boorstin agreed with all the accolades given to the Northwest Ordinance by many statesmen and scholars. Furthermore, he wrote, "A half-century after the adoption of the Ordinance of 1787, this scheme of progressive decolonization had become a glorious fixture among American institutions. . . . The successful application of this notion of a predictable, gradual step-by-step progress toward self-government and national involvement is one of the marvels of American history."[8] Indeed, principles of the Northwest Ordinance have been applied successfully to territorial possessions of the United States from 1787 until our modern era.

The Northwest Ordinance in the Curriculum and the Classroom

The Northwest Ordinance is indisputably at the core of the American civic heritage, one of the most important political legacies we have. Therefore, one might expect this basic document to be emphasized in the core curriculum of secondary schools—in courses on American history, government, and civics that are required of all students as part of their general education for citizenship. Furthermore, one might also expect students to graduate from high school with knowledge and understanding of the key ideas of the Northwest

---

[2] *Ibid.*, 23.

[3] Harlow Lindley *et al.*, *History of the Ordinance of 1787 and the Old Northwest Territory* (Marietta, Ohio: Northwest Territory Celebration Commission, 1937), 16.

[4] *Ibid.*, 78.

[5] *Ibid.*, 79.

[6] *Ibid.*

[7] Ray Allen Billington, *Westward Expansion: A History of the American Frontier* (New York: Macmillan, 1967), 217.

[8] Daniel J. Boorstin, *The Americans: The National Experience* (New York: Vintage Books, A Division of Random House, 1965), 422.

Ordinance and its connections to American constitutional government and national development. Unfortunately, anyone with these expectations is likely to be disappointed.

Of course, the Northwest Ordinance is included in secondary school curriculum guides and textbooks. However, coverage tends to be meager. It is mentioned only briefly in most curriculum guides. Most secondary school American history textbooks include less than one page on the Ordinance of 1787. It is discussed as the final achievement of government under the Articles of Confederation and scarcely or never mentioned again, even though the Ordinance of 1787 was the framework by which thirty-one of our fifty states entered the Federal Union—a fact unreported in the textbooks and presumably unknown to most high school graduates.[9] The Northwest Ordinance seems to be missing from standard secondary school courses in civics and government. It is not even listed in the index of most textbooks on these subjects. The consequence of educational neglect is ignorance. Most citizens of the United States seem to know very little about the Northwest Ordinance.[10]

The bicentennials of 1987—the two-hundredth anniversaries of the Constitution and the Northwest Ordinance—provide a grand opportunity to draw public attention to these twin civic legacies and to renew and improve education about them in American secondary schools. There is an especially strong need to revitalize teaching and learning about the Northwest Ordinance. Its significance in American history, its primary place in the civic culture, and its fit with goals of education for citizenship justify better treatment of this basic document. Long-standing neglect and routine treatment of the Ordinance of 1787 in secondary schools must be reversed. In line with this end there is a great need for learning materials on the Northwest Ordinance to complement and enrich standard secondary school textbooks and courses.

Content and Purpose of These Lessons on the Northwest Ordinance

In this volume, the teaching plans and learning materials that treat various aspects of the Northwest Ordinance—its origins, creation, content, applications—are designed to supplement standard secondary school courses in American history, government, and civics. The lessons have been reviewed by teachers in middle schools and high schools. The lessons seem to be appropriate for both levels with two important qualifications: teachers should (1) restrict reading assignments involving the full text of documents (found in the Appendix) to high school students and (2) provide extensive directions to middle school students in assignment of lessons and closely monitor their reading of the lessons to clarify difficult words or ideas.

This volume includes nine original lessons that fit standard secondary school courses and educational goals in American history, government, and civics. Each lesson has a plan for teachers and learning materials for students. The lessons extend and enrich standard course content, but do not duplicate it. *Permission is granted to teachers to make copies of these lessons for use with their students.*

Main goals of the lessons in this book are to help students to:

1. Know the origins and purposes of the Northwest Ordinance.
2. Comprehend civic principles and values of the Northwest Ordinance.
3. Know how and when Americans used principles and values of the Northwest Ordinance in statemaking and national development.
4. Understand the significance of the Northwest Ordinance in the history and civic culture of the United States.
5. Analyze and appraise ideas in the Northwest Ordinance and other primary sources associated with it.
6. Develop skill in using evidence in primary sources to support propositions about people and events in United States history.
7. Develop reasons for commitment to civic values embedded in the Northwest Ordinance.

These seven goals conform to curriculum guides and content of secondary school courses in American history, government, and civics. They also are consistent with the long-standing overall purpose of the social studies in American schools—education for citizenship in a free society.

Characteristics of These Lessons on the Northwest Ordinance

The following statements describe distinctive characteristics of the lessons in this book. These statements are criteria that guided development of the lessons on the Northwest Ordinance. These statements can help teachers to evaluate and use these lessons in the classroom.

1. These lessons fit the curriculum and general objectives of secondary schools. Each lesson is compatible with standard secondary school courses in American history, government, and civics. The teaching plan in each lesson includes a statement about how and where the lesson can fit into standard courses and textbooks. Therefore, use of these lessons can be justified in terms of standard goals and content of secondary school courses.

---

[9] Philip R. Shriver, "America's Other Bicentennial," *Old Northwest*, 9 (Fall 1983): 223.

[10] John J. Patrick, "The Constitution and the Northwest Ordinance in the Education of Citizens," *International Journal of Social Education*, 2 (Spring 1987): 5-15.

2. **These lessons extend and enrich standard textbook treatments of the Northwest Ordinance and national development, but do not duplicate them.** Each of these lessons enables teachers to provide detailed treatments of topics and ideas that are merely mentioned or discussed briefly in textbooks. Furthermore, each lesson provides opportunities for in-depth study based on primary sources—the raw materials of historical inquiry.

3. **Lessons are concise and can be completed in one or two class meetings.** However, teachers may choose to spend more time on a particular lesson by requiring students to examine documents in detail and to write elaborate responses to essay questions.

4. **Each lesson has a clear statement of purposes and well-organized subject matter that pertains to the purposes.** Effective lessons clearly present objectives of teaching and learning. Learning is enhanced when purposes are perceived readily by students. Learning is also aided when content is structured logically in terms of the objectives.

5. **Each lesson has learning activities that require students to demonstrate achievement of objectives.** Students are required to use ideas and facts emphasized in the lesson to answer questions or complete exercises that fit objectives of the lesson. Through these application activities, students provide evidence of achievement, or lack of achievement, in terms of objectives.

6. **These lessons encourage application of knowledge to performance of various kinds of cognitive operations, from recall and comprehension to interpretation, analysis, synthesis, and evaluation.** Students are challenged to identify and comprehend main ideas, to analyze and appraise statements in primary sources, and to present ideas cogently either orally or in writing. Students are encouraged to provide evidence and reasons in support of statements of description, explanation, or evaluation.

7. **Each lesson includes a teaching plan and learning materials to be duplicated and distributed to students.** The teaching plan indicates main points and objectives of each lesson, connections of the lesson to the secondary school curriculum, and suggestions for opening, developing, and concluding the lesson. The learning materials include discussion of main ideas on the topic of the lesson, excerpts from primary sources that pertain to the main ideas, and activities that require use of main ideas and evidence from primary sources.

How to Select and Use These Lessons

These nine lessons on the Northwest Ordinance are more than most teachers can use in a single course, given the need to cover various topics in a limited period of time. The lessons, therefore, should be viewed as a pool of teaching resources that different teachers will draw upon variously. Many teachers will select only one or two of these lessons to supplement a single part of their textbook. Other teachers will decide to use several of the lessons. A few teachers may decide to use all of the lessons in a special unit of instruction on the Northwest Ordinance.

Various choices about how to use the lessons are possible because each lesson can be used alone and without reference to any other lesson in this volume. However, two or more of the lessons can be taught in combination because the ideas in each lesson can be readily connected to every other lesson in this set.

All materials needed to teach a lesson are provided in this volume. However, some teachers may decide to expand upon and improve these lessons by exposing students to related learning materials. Teachers are also encouraged to adapt these lessons to fit their style of teaching, their perception of student needs, or their classroom circumstances. Teaching plans are presented as general suggestions, not as prescriptions.

Little time is needed to prepare to use a lesson. Follow these steps.

1. Read the teaching plan and the learning materials for students.

2. Make copies of the learning materials and distribute them to students in the classroom.

3. Follow or modify teaching suggestions for opening, developing, and concluding the lesson. It is likely that many teachers will modify teaching plans and adjust their use of student materials to make them more useful in particular situations.

Each lesson includes one or more excerpts from primary sources. The full text of each partial document used in a lesson is included in the Appendix of this volume. The documents in the Appendix can be used by teachers as handy reference materials or as additional reading assignments for high school students.

These lessons on the Northwest Ordinance should be used to transmit core ideas in the American civic culture to young Americans and to encourage their reflection and deliberation about these ideas. By so doing, teachers can enhance education on a basic document in the American heritage that deserves more emphasis in the curriculum of secondary schools and the general education of citizens.

The Northwest Territory, 1776-1783

Preview of Main Points

This lesson describes the Northwest Territory, its origins as part of the United States, its location, and its boundaries. Furthermore, acts associated with its organization and control by the government of the United States are discussed. This lesson sets a context for examination of policies about land distribution and governance of the Northwest Territory that culminated in the Ordinance of 1787.

Curriculum Connection

This lesson is suitable for use in American history courses at the junior high/middle school level or in high school. The lesson fits standard textbook discussions on events of the War for Independence and government under the Articles of Confederation. High school teachers might want to have their students read complete copies of documents treated briefly in the body of this lesson: (1) Patrick Henry's Letter to George Rogers Clark, (2) Resolution of Congress on Public Lands, (3) Treaty of Paris, and (4) Virginia Act of Cession. These documents are included in the Appendix.

Objectives

Students are expected to:

1. Identify and summarize main ideas in four documents: Patrick Henry's Letter to George Rogers Clark, Resolution of Congress on Public Lands, Treaty of Paris, and Virginia Act of Cession.
2. Know how George Rogers Clark and his small force of American backwoodsmen secured a claim to the Northwest Territory for the United States.
3. Know the location and boundaries of the Northwest Territory within the United States of 1783.
4. Use evidence in documents and maps to support or reject statements about the western territories of the United States in the 1780s.
5. Understand events that established a context for subsequent examination of ideas in the Northwest Ordinance of 1787.

Suggestions for Teaching the Lesson

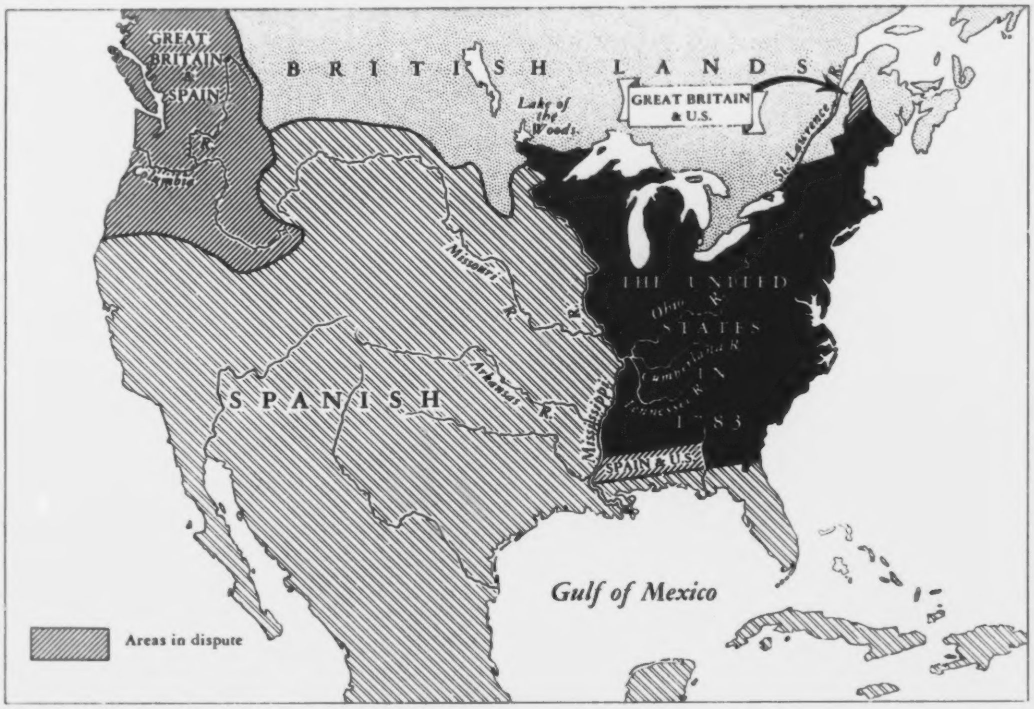
Opening the Lesson. Have students look at the map of the United States in this lesson. Ask them to identify the original thirteen states, the western territories of the United States, and the boundaries of the United States. Ask them to discuss how the United States acquired the area known as the Northwest Territory. Next, ask students, on the basis of evidence in the map, to speculate about particular problems faced by the government of the United States in dealing with the Northwest Territory. Ask how they think the government should have responded to these problems. Indicate that the rest of this lesson is about how the United States acquired the Northwest Territory and began to deal with this area as part of the national domain.

Developing the Lesson. Have students read the main body of the lesson, with particular attention to the excerpts from the four documents included in the lesson. Assign items 1 to 3 at the end of the lesson.

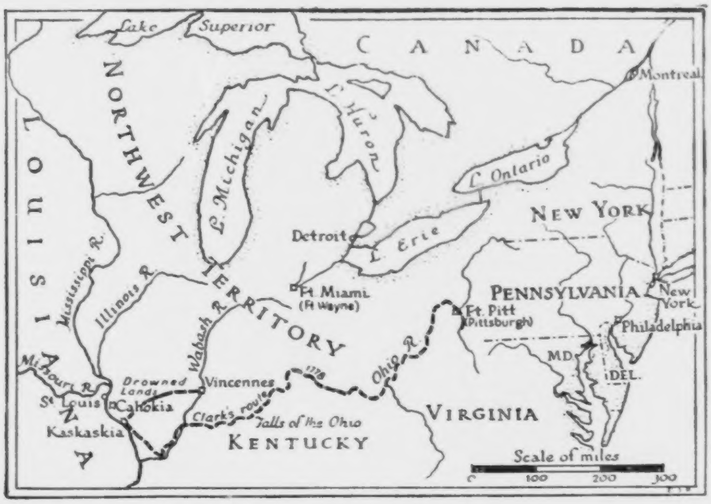
After students complete items 1 to 3, conduct a classroom discussion about their responses. Press students to support their responses with specific references to parts of the pertinent documents and maps. Make sure that they have examined evidence in the documents that is pertinent to the items in this discussion and make certain that they have interpreted this evidence correctly. You might want to ask various students in the class to evaluate or judge the responses of their peers to items 1 to 3.

Concluding the Lesson. Have each student respond to item 4 at the end of the lesson by writing a brief essay (no more than 250 words). When they have finished, select three or four students to read their essays. Call on other students to respond to them; these responses might be affirmative or critical or some combination of criticism and affirmation. The responses might also introduce additional ideas and information into the discussion.

NOTE: High school teachers might want to lead their students in careful and detailed analyses of the full texts of the four documents that are included in this lesson. See the Appendix for complete versions of the documents. High school teachers might want to copy and distribute these copies to all students or to selected students.


GREAT BRITAIN & SPAIN
BRITISH LANDS
Lake of the Woods
GREAT BRITAIN & U.S.
St. Lawrence R.
Columbia R.
Missouri R.
THE UNITED STATES 1783
Ohio R.
Cumberland R.
Tennessee R.
Arkansas R.
Mississippi R.
SPANISH
SPAIN & U.S.
Gulf of Mexico
Areas in dispute

The United States in 1783
From: David S. Muzzey, *A History of Our Country* (Boston: Ginn and Co., 1950), 119.


Lake Superior
CANADA
Montreal
NORTHWEST TERRITORY
L. Michigan
L. Huron
L. Ontario
NEW YORK
Detroit
L. Erie
LOUISIANA
Mississippi R.
Illinois R.
Wabash R.
Ft. Miami (Ft Wayne)
PENNSYLVANIA
New York
Ft. Pitt (Pittsburgh)
Philadelphia
MD.
DEL.
Missouri R.
St Louis
Cahokia
Kaskaskia
Drowned Lands
Vincennes
1779
Ohio R.
Clark's route
Falls of the Ohio
KENTUCKY
VIRGINIA
Scale of miles
0
100
200
300

Clark's Route to Vincennes in the Northwest Territory
From: James Truslow Adams and Charles Garrett Vannest, *The Record of America* (New York: Charles Scribner's Sons, 1935), 123.

The Northwest Territory, 1776-1783

In 1776, thirteen United States of America declared independence from the United Kingdom of Great Britain. But the British were not ready to give up this prized part of their worldwide empire. So, the Americans had to fight for their freedom. Most of the important battles of this War for Independence were fought along the Atlantic coast, where the major centers of population were located. However, Americans also battled the British on the western side of the Appalachian Mountains in the lands north and west of the Ohio River; this area became the Northwest Territory.

Clark's Mission

In 1778, George Rogers Clark was sent by Governor Patrick Henry of Virginia to the western territory of Kentucky. Colonel Clark's mission was to raise a small army of frontiersmen, protect American frontier settlements against raids by the British and their various allies among the Indian nations of this area, and capture British forts in the territory north of the Ohio River.

In his letter of instructions to Colonel Clark, January 2, 1778, Governor Henry wrote:

> You are to proceed with all convenient speed to raise seven companies of soldiers . . . officered in the usual manner & armed most properly for the Enterprise, & with this force attack the British post at Kaskasky [Kaskaskia in the Illinois country].
>
> It is conjectured that there are many pieces of cannon & military stores . . . at that place, the taking and preservation of which would be a valuable acquisition to the state. If you are so fortunate therefore as to succeed in your Expedition, you will take every possible Measure to secure the artillery & stores & whatever may advantage the state.
>
> For the Transportation of the Troops, provisions . . . down the Ohio, you are to apply to the commanding officer at Fort Pitt [in western Pennsylvania at the source of the Ohio River] for Boats, & during the whole Transaction you are to take especial care to keep the true Destination of your Force secret. Its success depends upon this. . . .

Colonel Clark carried out his mission as Governor Henry instructed. In the summer of 1778, he led a force of about 175 backwoodsmen from Kentucky into the Illinois country and took Kaskaskia from the British on July 4, 1778. Clark also secured the surrender of British forces at Prairie du Rocher, Cahokia, and Vincennes—at the confluence of the Wabash and Ohio rivers. Later that year, however, British forces under General Henry Hamilton took back Vincennes and fortified themselves there at Fort Sackville.

During the winter of 1779, Hamilton made plans to move against the Americans at Kaskaskia in the spring. Colonel Clark was alarmed; he knew that Hamilton's forces were strong enough to defeat him. So, he decided to surprise the British by doing what they thought was impossible—a march through the wilderness from Kaskaskia to Vincennes in the bitter winter weather.

While the British rested in the warmth and seeming security of Fort Sackville, Clark and his small force slogged through ankle-deep slush and waded or swam across icy-cold rivers and creeks. Colonel Clark's determination inspired his men to carry on past the normal limits of human endurance. Later, Clark wrote that his men started to believe they were "superior to other men, and that neither the rivers nor seasons could stop their progress."

After a brief fight on February 25, Clark again took Vincennes. This time the Americans held it. American settlements in Kentucky were safeguarded. Furthermore, Clark's victory was the basis for American claims to this western territory at the end of the war.

Resolution of Congress on Public Lands

As Clark fought the British in the West, American politicians in the East were looking ahead to the time after the war when their independent nation would control territory on the other side of the Appalachian Mountains. On October 19, 1780, the Continental Congress passed a "Resolution of Congress on Public Lands" that claimed ownership by the United States of these territories. Furthermore, it proclaimed a far-reaching policy: new American states would be created from these frontier lands and would become members of the Federal Union on equal terms with the original thirteen states.

> Resolved, that the unappropriated lands that may be ceded or relinquished [given up] to the United States, by any particular States . . . shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States [states with self-government by elected representatives of the people],

> which shall become members of the Federal Union, and shall have the same rights of sovereignty, freedom and independence, as the other States. . . .

The Treaty of Paris, 1783

On September 3, 1783, the war with Britain officially ended with the signing of the Treaty of Paris. Following is a summary of the terms of the Treaty of Paris.

- The British acknowledged the previous colonies to be "free, Sovereign, and independent states." The British gave up "all Claims to the Government, Property, and territorial rights" of the United States "and every part thereof."
- Boundaries were defined. The United States extended along the Atlantic coast from the British territory of Nova Scotia in the North to the Spanish territory of Florida in the South. In the West, the new nation won title to the land west of the Appalachians to the Mississippi River—including the Northwest Territory.
- The United States won fishing rights along the shores of Newfoundland and in other waters off the coast of Canada.
- Creditors on either side were not limited in their right to recover debts previously contracted.
- Congress would "earnestly recommend" to the state governments the return of Loyalists' property which had been seized during the war. Persecution of Loyalists should stop, and Loyalists in American prisons should be freed.
- "A firm and perpetual Peace" should exist "between his Brittanic Majesty and the said States and between the Subjects of the one, and the Citizens of the other." Hostilities by sea and land shall immediately cease. "Prisoners on both sides shall be set at liberty. With all convenient speed" British army forces would withdraw from the United States "and from every Port, Place, and Harbour within the same."

During the negotiations in Paris, American diplomats insisted that territories north and west of the Ohio River must be part of their new American nation—a claim supported by George Rogers Clark's military victories in 1778 and 1779. However, even though the British surrendered lands in the Northwest Territory, several American states had conflicting claims to these lands. The new government of the United States could not make plans for dealing with these western territories until the states gave up their conflicting land claims.

The Virginia Act of Cession and the Northwest Territory

Virginia took the lead in clearing the way for national ownership and disposition of the western territories. On December 20, 1783, the legislature of Virginia passed the Virginia Act of Cession. It was accepted by the Congress of the United States on March 1, 1784. By this act, Virginia gave up its vast claims to western lands for the good of the United States. Other states were influenced to yield their claims to land within the Northwest Territory and elsewhere. Look at the map on page 10, which shows that Massachusetts, New York, and Connecticut gave up claims to land in the Northwest Territory in 1785 and 1786.

In part, the Virginia Act of Cession said:

> Be it enacted by the General Assembly, that it shall and may be lawful . . . to . . . make over unto the United States in Congress assembled . . . all right, title, and claim . . . which this Commonwealth hath to the territory . . . being to the northwest of the river Ohio . . . upon condition that the territory so ceded, shall be laid out and formed into states . . . and that the states so formed, shall be distinct republican states [governed by elected representatives of the people], and admitted members of the Federal Union; having the same rights . . . freedom, and independence, as the other states. . . .

Thus, the Virginia Act of Cession paved the way for national administration and development of the Northwest Territory. Policies for distribution and government of these lands were deliberated upon by the Congress of the United States from 1784 until 1787, when the celebrated Ordinance of 1787 was enacted. (The Ordinances of 1784 and 1785 are presented in Lesson 2; the Ordinance of 1787 is presented in Lesson 4.)

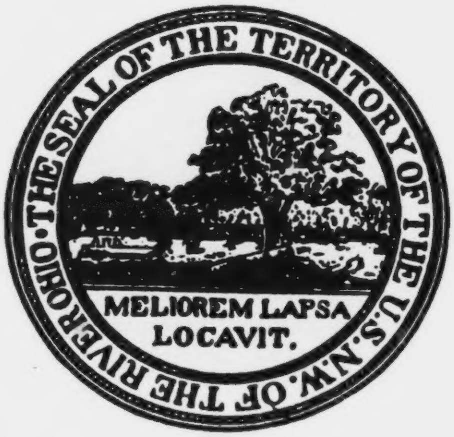
Reviewing and Reflecting on Facts and Ideas

1. What did each of the following documents have to do with the acquisition of the Northwest Territory by the United States?
   a. Letter of Patrick Henry to George Rogers Clark, 1778
   b. Resolution of Congress on Public Lands, 1780
   c. Treaty of Paris, 1783
   d. Virginia Act of Cession, 1783
2. Describe the area of the Northwest Territory within the United States of 1783.
   a. What were the boundaries of the territory?
   b. What states of the United States were made eventually out of this territory?

3. Examine the following statements. Decide whether or not each statement can be backed up or supported with evidence. Use evidence from documents and the map in this lesson to decide whether each statement is correct or incorrect. Be prepared to defend your responses by referring to pertinent evidence.
   a. The Congress of the United States hoped to hold western territories as colonies that would be used solely for the benefit and enrichment of the original states.
   b. Only Massachusetts, among the original thirteen states, had made larger claims to western land than Virginia had made.
   c. Virginia's cession of western land influenced other states to give up their land claims.
   d. The legislature of Virginia ceded western land claims to Congress on condition that new states made from these lands could have any types of government that the people wanted.
   e. The Treaty of Paris provided that the United States would pay the British a large sum of money to gain title to the land north and west of the Ohio River.
   f. Governor Henry of Virginia instructed Colonel Clark to stay on the south bank of the Ohio River to protect Kentucky against attacks by the British or their Indian allies.
4. Why should Americans today consider the following documents to be important or valuable parts of their heritage? What is the enduring worth or significance of these documents?
   a. Resolution of Congress on Public Lands
   b. Treaty of Paris
   c. Virginia Act of Cession

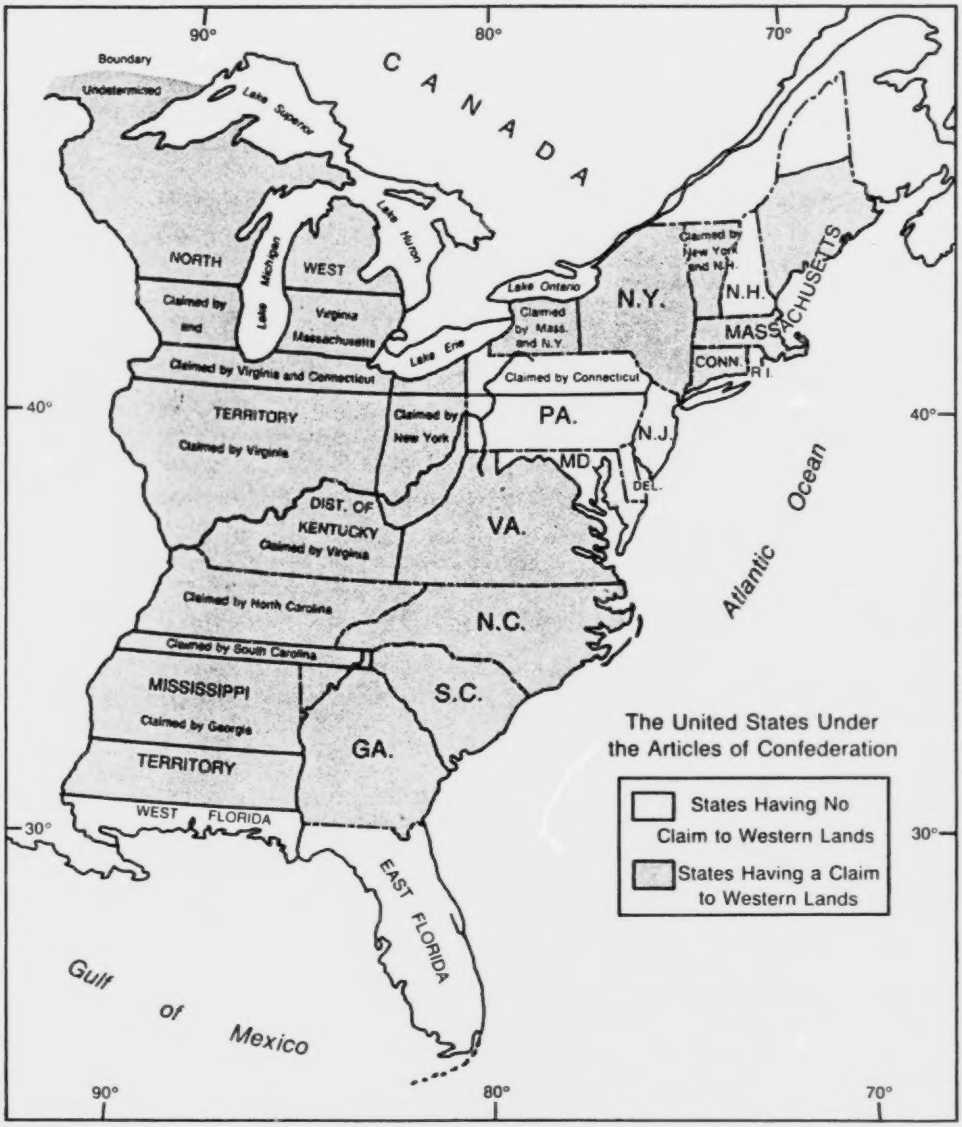
The Seal of the Territory of the United States
Northwest of the River Ohio

This authorized seal for documents of the Northwest Territory shows a fruit-bearing tree, an ax-felled tree, a rising sun, and boats presumably on the Ohio River. These symbols represent the aspirations of new settlers in the western wilderness. The Latin phrase *Meliorem Lapsa Locavit* means "from the fallen tree, a better one has grown." Courtesy Indiana Historical Society.


THE SEAL OF THE TERRITORY OF THE U.S. N.W. OF THE RIVER OHIO
MELIOREM LAPSA LOCAVIT.

George Rogers Clark

Portrait of Clark as a young man conceived and painted by Rosemary Browne Beck, 1976, for the Indiana State Museum Society. Courtesy Indiana State Museum.



90°
80°
70°
CANADA
Boundary Undetermined
Lake Superior
Lake Michigan
Lake Huron
Lake Ontario
Lake Erie
NORTH
WEST
TERRITORY
Claimed by
and
Virginia
Massachusetts
Claimed by Virginia and Connecticut
Claimed by Virginia
Claimed by New York
Claimed by Mass. and N.Y.
Claimed by Connecticut
Claimed by New York and N.H.
DIST. OF KENTUCKY
Claimed by Virginia
Claimed by North Carolina
Claimed by South Carolina
MISSISSIPPI
Claimed by Georgia
TERRITORY
WEST FLORIDA
EAST FLORIDA
N.Y.
N.H.
MASSACHUSETTS
MASS.
CONN.
R.I.
PA.
N.J.
MD.
DEL.
VA.
N.C.
S.C.
GA.
Atlantic Ocean
Gulf of Mexico
40°
30°
The United States Under the Articles of Confederation
States Having No Claim to Western Lands
States Having a Claim to Western Lands

From: Daniel Jacobson, *The Northwest Ordinance of 1787: A Special Teaching Unit* (East Lansing: Michigan State University Alumni Association, 1987).

Teaching Plan for Lesson 2

Beginnings of a Federal Land Policy: The Ordinances of 1784 and 1785

Preview of Main Points

This lesson treats two laws that helped to establish an enduring land policy for the United States: (1) the Ordinance of 1784 and (2) the Ordinance of 1785. The main provisions of these laws are discussed. This lesson emphasizes ideas that were important precursors to the enactment of the 1787 Northwest Ordinance.

Curriculum Connection

This lesson can be used in junior high/middle school and high school courses in American history. It fits standard textbook chapters on the Confederation Period from 1781 to 1787. High school teachers might want to have their students read copies of the Ordinances of 1784 and 1785, which are included in the Appendix.

Objectives

Students are expected to:

1. Identify and summarize main ideas in two documents:
   a. the Ordinance of 1784 and
   b. the Ordinance of 1785.
2. Know the contributions of Thomas Jefferson to enactment of the Ordinances of 1784 and 1785.
3. Understand how the Ordinances of 1784 and 1785 addressed major problems facing the Congress of the United States.
4. Make judgments about the significance of the Ordinances of 1784 and 1785 in national development and expansion of the United States.

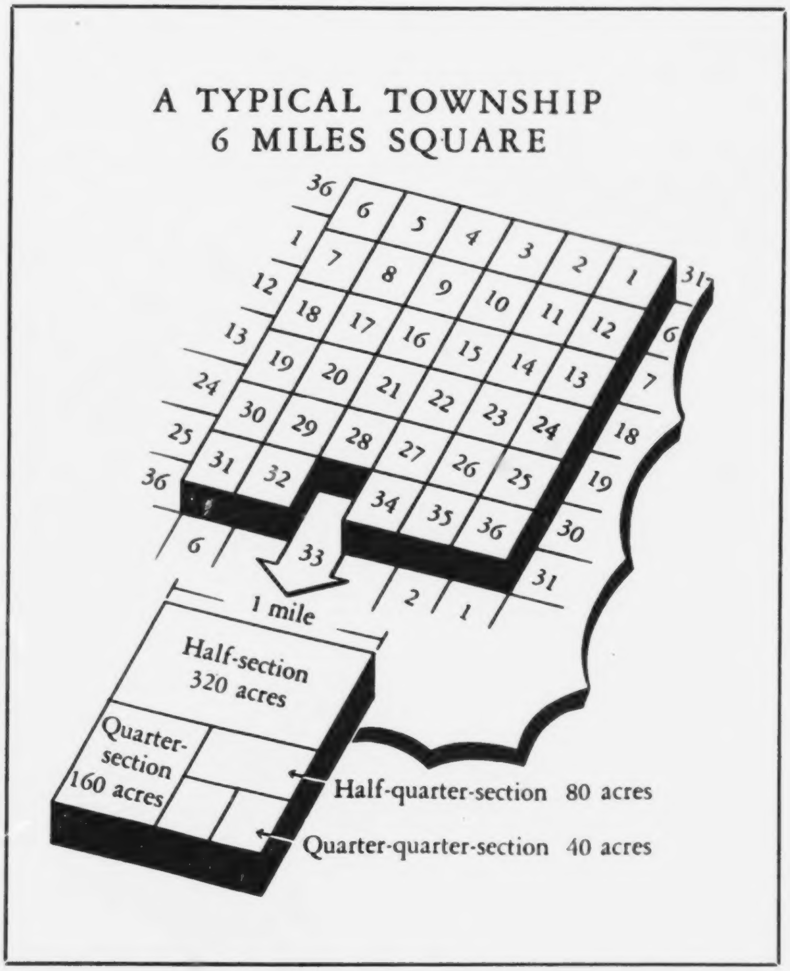
Suggestions for Teaching the Lesson

Opening the Lesson. Ask students to read the first paragraph in the introduction to the lesson, which discusses the large domain and land claims of Virginia before the Virginia Act of Cession. The paragraph indicates that Thomas Jefferson and George Washington were among the prominent leaders of Virginia who urged the state government to relinquish western land claims. Ask students to offer opinions about why Jefferson and Washington favored the Virginia Act of Cession. What arguments might have been offered in opposition to the Act of Cession? What might have been the consequences for the United States if Virginia's government had not made the Act of Cession? How did the Virginia Act of Cession create new problems for the United States government? Use discussion of these questions to lead students into the main part of the lesson—provisions of the Ordinances of 1784 and 1785, which were the first national policies for dealing with the territories in the West.

Developing the Lesson. Have students read the main part of this lesson about the provisions of the Ordinances of 1784 and 1785. Assign items 1 to 5 at the end of the lesson.

After students complete items 1 to 5, conduct a classroom discussion on these items. Call upon a few students to read their paragraphs summarizing main ideas of the Ordinances of 1784 and 1785. Ask other students to listen carefully and respond critically to the paragraphs.

Concluding the Lesson. Divide the class into several small groups (three to five students to a group) and ask them to deliberate upon responses to item 6 at the very end of the lesson. Tell each group to select one person who will serve as spokesperson for the group. The spokesperson's responsibility is to summarize the ideas of the group in response to item 6 and report the ideas to the class. After the small groups have completed their discussion of item 6, call upon each of the spokespersons to report ideas of the group to the class. Finish the discussion by asking the class as a whole to respond to the reports of the spokespersons.


A TYPICAL TOWNSHIP
6 MILES SQUARE
1 mile
Half-section 320 acres
Quarter-section 160 acres
Half-quarter-section 80 acres
Quarter-quarter-section 40 acres

From: George S. de Huszar, *et al.*, *Basic American Documents* (Ames, Iowa: Littlefield, Adams & Co., 1956), 58.

Beginnings of a Federal Land Policy: The Ordinances of 1784 and 1785

Thomas Jefferson was proud of his state of Virginia, which in 1784 was the largest of the thirteen United States of America. It consisted of the present state (1987) plus the areas encompassed today by the states of West Virginia and Kentucky. It included more than 100,000 square miles and was considerably larger than Great Britain and Ireland. Furthermore, Virginia had strong claims to territories north and west of the Ohio River. At the urging of Jefferson, Washington, and other state leaders, the Virginia government relinquished its claims to the western territory in a generous Act of Cession, which was accepted by the United States Congress in March, 1784. Other states with claims to western territories followed Virginia's lead, and the government of the United States was faced with problems of how to deal with this vast national domain. The two major problems were how to govern the western territories and how to distribute land systematically and fairly to people who wanted to settle there. Attempts to solve these two problems were made by the Ordinances [laws] of 1784 and 1785.

The Ordinance of 1784

On March 1, 1784, the very day that Virginia's Act of Cession was accepted by Congress, Thomas Jefferson, as chairman of a congressional committee, presented a plan of government for the western territories. Jefferson's plan was debated by members of Congress and passed on April 23 as the Ordinance of 1784.

Provisions of the Ordinance of 1784. Jefferson's Ordinance of 1784 provided "that so much of the territory ceded or to be ceded by individual states to the United States . . . shall be divided into distinct states. . . ."

The Ordinance of 1784 outlined a three-stage plan whereby a territory could advance to statehood. During stage one, settlers could meet to establish "a temporary government, to adopt the constitution and laws of any one of the original states" as a guide to the government of the territory.

Stage two would be reached "when any [territory] shall have acquired 20,000 free inhabitants, on giving due proof thereof to Congress, they shall receive from them authority with appointments of time and place to call a convention of representatives to establish a permanent constitution and government for themselves provided that both the temporary and permanent governments be established on these principles [following here] as their basis."

First, the new states to be created in the West should "forever remain a part of . . . the United States of America."

Second, they should "be subject to the Articles of Confederation" and to all the laws of the central government, as the original thirteen states were bound by these laws.

Third, they should not interfere with the land policies of the United States government.

Fourth, they should "be subject to pay a part of the federal debts . . . according to the same common rule" that is applied to the other states.

Fifth, they should not impose taxes on lands belonging to the United States government.

Sixth, "their respective governments shall be republican" in form; that is, government by representatives of the people who are elected by eligible voters.

The third and final stage of government would be reached whenever the population of a territory was as large "as any one of the least numerous of the thirteen original states." At that time, a territory "shall be admitted by its delegates into the Congress of the United States on an equal footing with the said original states. . . ."

Jefferson's original proposal included a clause that would have outlawed slavery or involuntary servitude in all of the western territories. This clause was narrowly voted down by the Congress and was not included in the Ordinance of 1784.

Significance of the Ordinance of 1784. The specific provisions for government in the Ordinance of 1784 were not to be put in operation until after the lands had been purchased from the Indians and offered for sale to settlers moving into these lands. Before this happened, Congress passed a new law for governance of the Northwest Territory, the Ordinance of 1787, which superseded the Ordinance of 1784. Jefferson's ordinance was thus nullified.

Some ideas in the Ordinance of 1784 lived on, and were included in the Ordinance of 1787. (Provisions of the Ordinance of 1787 are presented in Lessons 4, 5, and 6.) Furthermore, Jefferson's proposal to ban slavery became part of the Ordinance of 1787.

It is interesting to note that Jefferson's antislavery proposal had applied to all new territories of the United States, north and south of the Ohio River—not merely to the Northwest Territory. If it had been acted upon in the 1780s and in effect thereafter, a basic cause of America's tragic Civil War might have been removed.

The Ordinance of 1785

Thomas Jefferson also worked on a plan for dividing and distributing the land in the West. He made a report to Congress in May, 1784, that proposed an orderly means of surveying and selling the land to settlers. Jefferson's report was the basis for the land ordinance that Congress enacted about one year later on May 20, 1785. The Land Ordinance of 1785 had three main purposes: (1) to survey land systematically, (2) to sell it to settlers in an orderly and fair manner, and (3) to use money from the sale of lands to pay off debts from the War of Independence.

Provisions of the Ordinance of 1785. This law provided "that the territory ceded by individual States to the United States, which has been purchased of the Indian inhabitants, shall be disposed of in the following manner. . . . The Surveyors . . . shall proceed to divide the said territory into townships of six miles square, by lines running due north and south, and others crossing these at right angles, as near as may be, unless where the boundaries of the late Indian purchases may render the same impracticable. . . . "

In accordance with the law, townships were set up to measure six miles square. They were divided by north-south and east-west lines surveyed at intervals of one mile. In this way, thirty-six sections were created in each township.

Each section of a township—one mile square, 640 acres—was numbered from 1-36, as indicated by the diagram on page 12. Each section could be further divided into half-sections (320 acres), quarter-sections (160 acres), and smaller units, such as 80 acres.

In each township, section 16 was to be set aside to provide funds for public schools. Sections 8, 11, 26, and 29 would be reserved for use by the United States government. Remaining land in each township was to be sold at public auction for at least one dollar an acre. The buyer would get a deed for his land that would be recorded in the state's land office.

Significance of the Ordinance of 1785. On May 30, 1785, Richard Henry Lee, representative to Congress from Virginia, wrote to his friend and colleague, James Madison: "We have after much debate indeed and great waste of time, at last pass'd an Ordinance for disposing of such part of the Lands N. W. of the Ohio as belongs to the U.S. and have been purchased of the Indians. If this proves agreeable to the public, it will extinguish about 10 Million of the public debt. . . . this source does indeed deserve our warmest cultivation as it seems to be almost the only one that we have for discharging our oppressive debt. . . ."

Soon after passage of the Ordinance of 1785, surveyors were in eastern Ohio to lay out townships as specified in the new law. Under direction of Thomas Hutchins, Geographer of the United States, seven ranges were surveyed by the end of 1787. The way was paved for purchase and settlement of the first segment of the Northwest Territory organized under laws of the United States.

Reviewing and Reflecting on Facts and Ideas

1. What problems concerning the western territories of the United States were faced by the United States Congress in 1784 and 1785?
2. What was the contribution of Thomas Jefferson in helping Congress to respond to its problems with the western territories?
3. Why was Jefferson disappointed with the final version of the Ordinance of 1784?
4. Write a brief (no more than 200 words) summary of the Ordinance of 1784.
5. Write a brief (no more than 200 words) summary of the Ordinance of 1785.
6. Why were the Ordinances of 1784 and 1785 important in the development and expansion of the United States?

Teaching Plan for Lesson 3

Origins and Development in Congress of the Northwest Ordinance, 1785-1787

Preview of Main Points

This lesson describes how the 1787 Northwest Ordinance was introduced into Congress, deliberated upon by members of Congress, and finally enacted on July 13, 1787. The roles of Thomas Jefferson, James Monroe, and Nathan Dane in creating and passing the Ordinance of 1787 are examined.

Curriculum Connection

This lesson can be used in junior high/middle school and high school American history courses. An entry point for the lesson is the standard textbook discussion of government under the Articles of Confederation and the U. S. Congress' enactment of land policies culminating in the Ordinance of 1787. The lesson can also be incorporated into high school courses in civics or government. It can be used to illuminate the lawmaking process in Congress during the Confederation period.

Objectives

Students are expected to:

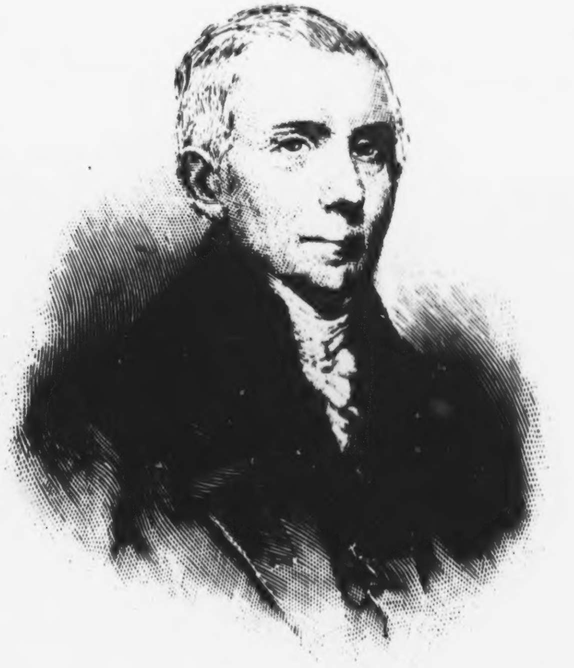
1. Identify reasons for Congress' actions to replace the Ordinance of 1784.
2. Describe the roles of several leaders, including Jefferson, Monroe, and Dane, in the making of the Ordinance of 1787.
3. Describe how Congress proceeded to enact the Ordinance of 1787.
4. Analyze and make judgments about information in a primary source, Nathan Dane's letter to Rufus King.

Suggestions for Teaching the Lesson

Opening the Lesson. Ask students to read the introduction to the lesson, which indicates the main points of the lesson. Review the purposes of this lesson and then have students read the rest of the lesson.

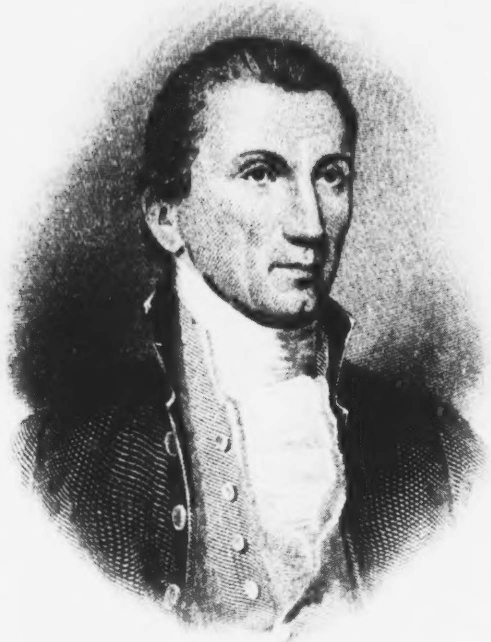
Developing the Lesson. Assign items 1 to 3 at the end of the lesson. After students complete these items, conduct a classroom discussion about them. Assign item 4. Tell students to critically analyze the letter by Nathan Dane to Rufus King. Ask students to prepare answers to item 4, about Nathan Dane's letter. Inform them that a panel of three students will be called upon to report their answers to item 4 and to lead a classroom discussion about Nathan Dane's letter.

Concluding the Lesson. Select three students to constitute a panel to report their analyses of Nathan Dane's letter. Ask each student to give a brief report of his/her answers to item 4. Invite other students to ask questions or make comments in response to the panel reports. Have the panelists lead this discussion on the analysis of Dane's letter. During this discussion, encourage students to back up their answers with evidence from this lesson. Encourage students to request their fellow students to ground their judgments about Dane's claims in his letter with evidence drawn from this lesson.



Nathan Dane
From: John Fiske, *The Critical Period of American History, 1783-1789* (Boston, 1896).

Thomas Jefferson
Courtesy Indiana Historical Society



James Monroe
Courtesy Indiana Historical Society

Lesson 3

Origins and Development in Congress of the Northwest Ordinance, 1785-1787

On July 13, 1787, the Congress of the United States enacted a plan for government in the Northwest Territory, the area north and west of the Ohio River that had been acquired through the Treaty of Paris in 1783. Main ideas of the Ordinance of 1787, also called the Northwest Ordinance, were established through deliberations in Congress that began in 1785.

Nathan Dane, a member of Congress from Massachusetts, was a primary author of this Northwest Ordinance, but James Monroe of Virginia also made important contributions, and several other members of Congress made minor contributions to the final shape of the Ordinance. Thomas Jefferson, in Paris, France, as ambassador from the United States, had an important part in this undertaking too; he had written the Ordinance of 1784, which was the source of core ideas in the Ordinance of 1787.

The Ordinance of 1787 provided for lawful and orderly settlement of western lands and a systematic means for political advancement from the status of a territory of the United States to a state within the Federal Union, on equal terms with all of the other states. Thus, it was decided—once and for all—that these territories would not be held indefinitely as colonies, in a subservient relationship to the original thirteen states. The general principles of this Northwest Ordinance were applied beyond the boundaries of the Northwest Territory and became the framework by which thirty-one of today's fifty states entered the Federal Union. Main ideas of the Northwest Ordinance are presented in Lessons 4, 5, and 6. This lesson tells how the Northwest Ordinance was originated, shaped, and enacted during a two-year period from 1785 to 1787.

Reopening of Debate on Governance of the Western Territories

Members of Congress had never been wholly satisfied with the Ordinance of 1784, and they wanted to change it. Many representatives thought that Congress did not have enough control over the establishment and development of government in the new territories. They also were starting to think that the population requirements for self-government and statehood should be changed. Others believed, unlike Thomas Jefferson, that there should be only a few states made out of the Northwest Territory, perhaps no more than three to five states. In addition, there were forces in Congress, led by Rufus King of Massachusetts, that wanted to prohibit slavery in the western territories, and King pressed for this change in the territorial policy of Congress.

James Monroe, member of Congress from Virginia, was a friend and supporter of Jefferson; nonetheless, he believed that the Ordinance of 1784 should be changed. In 1785, Monroe traveled across the Appalachian Mountains to see for himself conditions in the western territories and to think about what should be done to modify the national land policy. When he returned to Congress near the end of 1785, Monroe concurred with most of the prevailing criticisms of the Ordinance of 1784 and recommended that a committee of Congress formulate a new policy on governance of the western territories. Congress agreed with Monroe and appointed him as chairman of the new committee.

On May 9, 1786, Monroe presented his committee's first report, which outlined a three-stage plan by which a territory would advance to statehood. This plan—a combination of ideas in Jefferson's Ordinance of 1784 and Monroe's own ideas—would become part of the new Ordinance of 1787. Writing to Jefferson in Paris on May 11, 1786, Monroe reassured his friend: "The most important principles of the Act [Ordinance of 1784] are . . . preserv'd in this report." Of course, important changes had also been made having to do with tighter control by Congress over territorial government in stages one and two and adjustment of the population requirements for advancement to statehood.

Preparation of the Final Draft of the Northwest Ordinance

Monroe's report was debated in Congress and returned to his committee, which revised it. On September 18, 1786, Congress reconstituted the committee because Monroe had left Congress. William S. Johnson of Connecticut became the new committee chairman, and Nathan Dane of

Massachusetts emerged as a leading member of the committee. During the next few months significant additions were made to the proposed ordinance, including provisions about property rights, the sanctity of contracts, and various civil liberties. Nathan Dane played a major part in this work, but, as was true of Monroe, Dane drew upon Thomas Jefferson's ideas.

From April to July, 1787, the proposed Northwest Ordinance was put into its final form. Nathan Dane had the major role in compiling this final draft, which was presented to Congress on July 11. By this time Edward Carrington of Virginia was chairman of the committee on western government, but Nathan Dane continued to be the leading member of the committee. Congress made some minor changes in the Ordinance of 1787 and passed it by unanimous vote of the eight states represented in Congress on July 13. Of eighteen members of Congress in attendance at this meeting, only Mr. Yates of New York voted against enactment of the Northwest Ordinance. Following is the record of the vote in Congress:

MASSACHUSETTS—Mr. Holten, ay;
  Mr. Dane, ay .... Ay.
NEW YORK—Mr. Smith, ay; Mr. Haring, ay;
  Mr. Yates, no....................... Ay.
NEW JERSEY—Mr. Clark, ay;
  Mr. Schureman, ay .... Ay.
DELAWARE—Mr. Kearney, ay;
  Mr. Mitchell, ay.................... Ay.
VIRGINIA—Mr. Grayson, ay; Mr. R. H. Lee, ay;
  Mr. Carrington, ay;................. Ay.
NORTH CAROLINA—Mr. Blount, ay;
  Mr. Hawkins, ay .... Ay.
SOUTH CAROLINA—Mr. Kean, ay;
  Mr. Huger, ay;...................... Ay.
GEORGIA—Mr. Few, ay;
  Mr. Pierce, ay .... Ay.

In a letter to Rufus King, only three days after passage of the Ordinance of 1787, Nathan Dane wrote about inclusion of an idea that King had proposed in 1785—the prohibition of slavery and involuntary servitude. This provision was not in the ordinance as it was reported by the committee to Congress. The provision was moved by Dane as an amendment and passed unanimously as the final action before the amended ordinance was approved by Congress.

Here is what Dane wrote to King:

> We have been employed about several objects, the principal of which have been the Government enclosed (the ordinance) and . . . you will see [it] is completed. . . . We tried one day to patch up M[onroe']s system of W[estern] government—started new ideas and committed the whole to Carrington, Dane, R. H. Lee, Smith and Kean. We met several times, and at last agreed on some principles —at least Lee, Smith and myself. We found ourselves rather pressed. The Ohio Company appeared to purchase a large tract of Federal lands—about six or seven millions of acres—and we wanted to abolish the old system and get a better one for the government of the country, and we finally found it necessary to adopt the best system we could get. All agreed finally to the enclosed plan, except A. Yates. He appeared in this case, as in most others, not to understand the subject at all. When I drew the ordinance (which passed, a few words excepted, as I originally formed it) I had no idea the States would agree to the sixth article, prohibiting slavery . . . and therefore omitted it in the draft; but, finding the House favorably disposed on this subject, after we had completed the other parts, I moved the article, which was agreed to without opposition.

And so, Nathan Dane made strong claims for his contributions to the Northwest Ordinance. However, one should remember that James Monroe and Thomas Jefferson, who originally advanced the ban on slavery in the West, also deserve a great deal of credit for the shape and substance of the 1787 Northwest Ordinance.

This Ordinance of 1787, enacted at the same time that the Constitutional Convention was meeting in Philadelphia, was the last, and perhaps most significant, achievement of government under the Articles of Confederation. Within the next eleven months, representatives of the people ratified the Constitution of 1787, thereby nullifying the Articles of Confederation. The Ordinance of 1787 endured; it was reaffirmed unanimously in 1789 by the first session of Congress under the new Constitution. Lessons 4, 5, and 6 present in detail the content of the Ordinance of 1787.

Reviewing and Reflecting on Facts and Ideas

1. Why did Congress decide to create a new policy for governance of the western territories that would supersede the Ordinance of 1784?
2. What were the roles of the following individuals in making a new law on governance of the western territories, the Ordinance of 1787?
   a. Thomas Jefferson
   b. Rufus King
   c. James Monroe
   d. William Johnson
   e. Nathan Dane
3. Describe the process by which Congress enacted the Ordinance of 1787.
4. Examine the letter from Nathan Dane to Rufus King at the end of this lesson.
   a. What claims did Dane make about his contributions to the making of the Northwest Ordinance?
   b. Given other facts in this lesson, what is your judgment of Dane's claims? To what extent do you agree or disagree with them?

What Is the 1787 Northwest Ordinance?

Preview of Main Points

This lesson defines the Northwest Ordinance. Main ideas in the document are clarified and discussed. Ideas on governance and civil liberties and rights are highlighted.

Curriculum Connection

This lesson is suitable for use in American history courses in junior high/middle schools and in high school courses in American history, government, and civics. Teachers of junior high/middle school students, however, might want to assign only items 1 to 3 at the end of the lesson; items 4 to 6 are more complicated and challenging. High school history and government teachers might want to have their students read the Northwest Ordinance in addition to the material for students provided in this lesson. This document is located in the Appendix.

Objectives

Students are expected to:

1. Define key terms in the Northwest Ordinance.
2. Describe main characteristics of the process by which a territory could move to statehood under the Northwest Ordinance.
3. Identify civil liberties and rights guaranteed by the Northwest Ordinance.
4. Compare and contrast civil liberties and rights in the Northwest Ordinance with those in the Constitution of 1787 and of the Constitution as amended in 1791.
5. Make judgments about the importance or worth of main ideas in the Northwest Ordinance.

Suggestions for Teaching the Lesson

Opening the Lesson. Ask students to read the introduction to this lesson, which is covered in the first two paragraphs on the first page of the lesson. Then ask them if they have ever heard of the Northwest Ordinance. Poll students informally to find out what they know about this document and its significance in American history. Use this introduction to the lesson to establish the main purposes or objectives of the subsequent reading assignment.

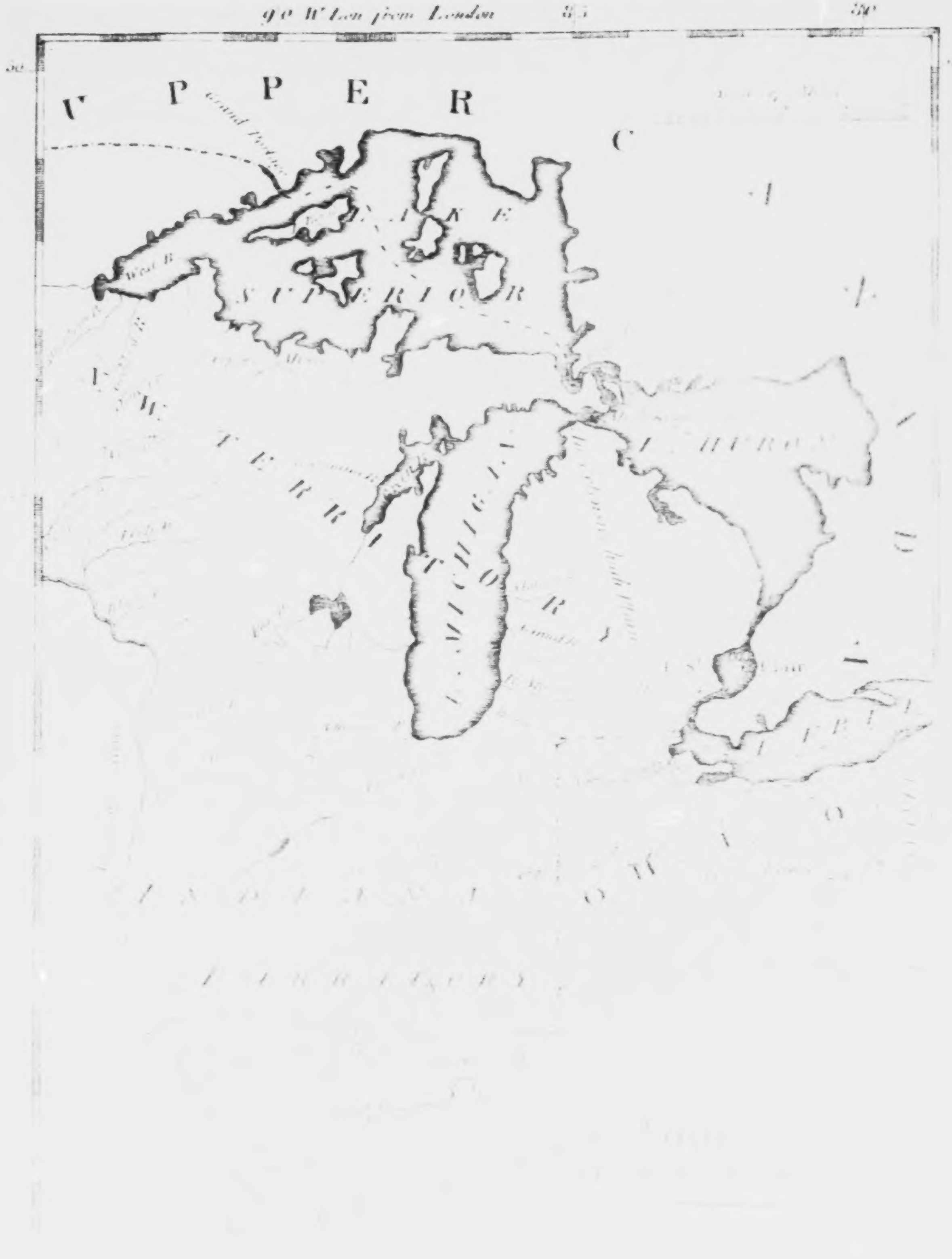
Developing the Lesson. Have students read the entire lesson. Assign items 1 to 3 at the end of the lesson. High school teachers also might want to have students read the entire document after they read the lesson, which can serve as an introduction and overview of main ideas in the document. Teachers who choose this approach will find it convenient to make and distribute copies of the Northwest Ordinance, which is located in the Appendix.

Conduct a class discussion of responses to items 1 to 3 at the end of this lesson. Make use of the table in the lesson to focus attention of students on main provisions of the governance procedures in the Northwest Ordinance.

Concluding the Lesson. Teachers of eighth grade students might want to conclude the lesson with a discussion of the relative importance of different civil liberties and rights in the Northwest Ordinance.

High school teachers, and some eighth grade teachers, might conclude the lesson by assigning items 4 to 6 at the end of the lesson. Item 4 is the most complicated and challenging of these items and perhaps should be reserved for high school students only.

Teachers who assign item 6, the essay, might wish to select two or three students to read their essays to the class and to invite responses to the essays as a way of launching a class discussion about the importance of the Northwest Ordinance today and in the past.


90 W Lon from London
85
80
U P P E R
C A N A D A
L A K E
S U P E R I O R
N. W. TERRITORY
L. MICHIGAN
L. HURON
L. ERIE
INDIANA TERRITORY
OHIO

Ohio and N. W. Territory, 1805

The 1801 version of this W. Barker map was the first map to use the term Indiana Territory to encompass the area that would later become the states of Indiana and Illinois. Courtesy Indiana Historical Society.

What Is the 1787 Northwest Ordinance?

In 1787, the Congress of the United States, acting under the Articles of Confederation, passed the Northwest Ordinance. This action was *the* outstanding achievement of government under the Articles, a government which seemed otherwise inept and impotent. Historians today rank the Northwest Ordinance as a basic document in the American heritage, one that ranks in importance only behind the Declaration of Independence and the Constitution of 1787.

Some of our greatest presidents have praised the Northwest Ordinance. President Franklin D. Roosevelt called it "that third great charter . . . the highway . . . over which poured the westward march of our civilization . . . the plan on which the United States was built." President Theodore Roosevelt said that the Northwest Ordinance would "ever rank among the foremost of American State papers, coming in that little group which includes the Declaration of Independence, the Constitution, Washington's Farewell Address, and Lincoln's Emancipation Proclamation and Second Inaugural." Both Presidents Washington and Lincoln also lauded the Northwest Ordinance as the foundation for settlement and expansion of the nation.

What is the Northwest Ordinance? Why is it so important in the American heritage? Why should Americans today know about it and value it?

The Northwest Ordinance: A Definition

An *ordinance* is a type of law passed by a legislature that is dependent upon a higher governing body for all of its authority. In the American system of government today, we refer to acts of local government as ordinances. This indicates that the local government (for example, a city or town government) is subordinate or inferior to the government of the state in which it is located. Ordinances of the local governments of Indiana, for example, must comply with state statutes (laws), passed by the Indiana General Assembly and approved by the governor, and with the Constitution of the state of Indiana. These ordinances are issued under authority granted by the higher government, in this instance, the state government. *In the 1780s, the acts of Congress were called ordinances (not statutes) to indicate that the Congress under the Articles of Confederation was subordinate to the thirteen state governments of the United States.*

The Northwest Ordinance provided for the government of territory north and west of the Ohio River. It promised eventual statehood, on equal terms with other states; not less than three nor more than five states were to be carved out of the area. It established a process for moving through stages of territorial government to petition for statehood. The Northwest Ordinance also reaffirmed a system for dividing land that was set forth in the Land Ordinance of 1785. Finally, the Northwest Ordinance contained six "articles of compact, between the original States and the people and States" of the Northwest Territory. These articles guaranteed civil liberties and rights to the inhabitants of the territory. Following are brief discussions of these main aspects of the Northwest Ordinance: (1) government and statehood and (2) civil liberties and rights.

Provisions for Territorial Government and Achievement of Statehood

The Northwest Ordinance included a plan by which a territory could advance gradually to statehood, on equal terms with all other states of the United States. This plan involved three stages described in the table on the following page.

The final acts of the third stage of government under the Northwest Ordinance involved petition for statehood by the territory to the Congress of the United States. The Congress was obligated to grant statehood through an enabling act if the petitioner satisfied all conditions for statehood indicated in the Northwest Ordinance. These conditions included a state constitution that provided a "republican form of government" (government by representatives elected by the people). In 1803, Ohio became the first part of the Northwest Territory to achieve statehood. Indiana became a state in 1816, and Illinois entered the Federal Union in 1818. Michigan (1837) and Wisconsin (1848) were the fourth and fifth states to be formed from the Northwest Territory. A small part of the original Northwest Territory was included within the boundaries of Minnesota, which became a state in 1858. The 1787 Northwest

Stages of Government under the Northwest Ordinance

Territorial Status	Elected & Appointed Officials	Lawmaking Body
First Stage Total population includes fewer than 5,000 adult males	Territorial Governor Secretary Three Judges Officials appointed by U.S. Congress	Governor & judges make laws
Second Stage Total population includes more than 5,000 adult males	Territorial Governor Secretary Three Judges Territorial Delegate (non-voting) to U. S. Congress—elected by territorial legislature	Bicameral Legislature Lower House: Voters elect representatives; one representative for each 500 men Upper House: Five members appointed by U. S. Congress
Third Stage Total population is more than 60,000 inhabitants	Voters elect delegates to write a state constitution Submit petition for statehood to U. S. Congress Receive approval of Congress to enter Federal Union on equal terms with other states Elect & appoint state government officials according to the state constitution	Legislature set-up in terms of state constitution

Ordinance was the model by which thirty-one of the fifty American states advanced from territories of the United States to statehood.

Civil Liberties and Rights in the Articles of Compact

The 1787 Northwest Ordinance includes six "Articles of Compact." A compact is an agreement between two parties, which may not be broken without mutual consent of those who made it. The Northwest Ordinance says that the following six articles "shall be considered as articles of compact, between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent." The Articles of Compact provide *civil liberties and rights* to the people; government officials may NOT legally take away these rights or liberties.

ARTICLE I. Provides freedom of religion.

ARTICLE II. Guarantees the privilege of the writ of habeas corpus. A *writ of habeas corpus* requires officials to bring a person whom they have arrested and held in custody before a judge in a court of law. Officials who are holding the prisoner must convince the judge that there are lawful reasons for holding the prisoner. If the judge finds their reasons for holding the prisoner unlawful, then the court frees the suspect. The writ of habeas corpus is a great protection for individuals against government officials who might want to jail them only because they belong to unpopular groups or criticize the government.

Several other rights are guaranteed to persons accused of crimes, such as trial by jury, protection against cruel and unusual punishment, and prevention of excessive bail as a condition of release from jail while awaiting a trial. Finally, ARTICLE II says that persons are protected against government acts that would deprive them of life, liberty, or property without due process (fair and proper legal procedures) and that would deprive them of property without fair compensation.

ARTICLE III. States the importance of schools and education for all people. This article also states that the Indian people of the Northwest Territory should be treated fairly.

ARTICLE IV. Indicates several responsibilities of territories and states, which include the obligation of paying a fair share of taxes, of respecting and abiding by the Articles of Confederation (later the Constitution of the United States), and of perpetual membership in the Federal Union.

ARTICLE V. Provides for admission into the Union of not less than three nor more than five states from the Northwest Territory. These states "shall be admitted" into the United States "on an equal footing with the original states, in all respects whatever; and shall be at liberty to form a permanent constitution and State government." Of course, people in the territory seeking statehood had the responsibility of following exactly all provisions of the Northwest Ordinance.

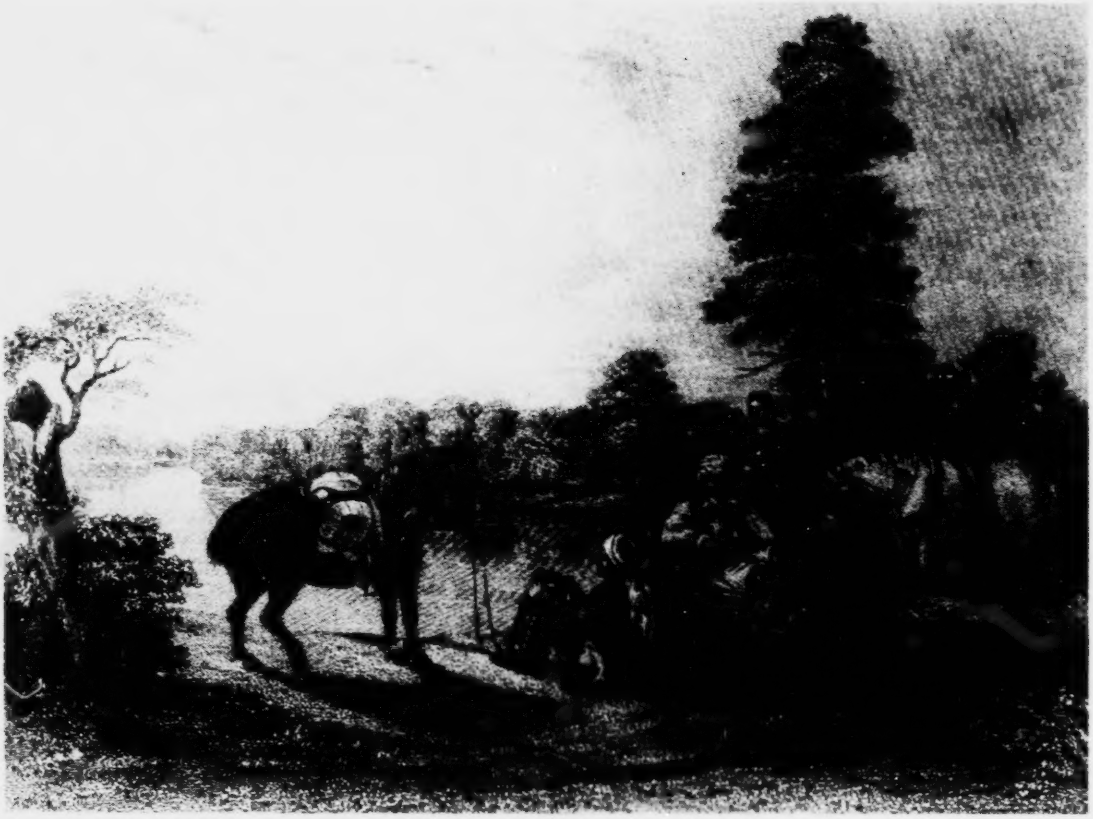
ARTICLE VI. Bans slavery or involuntary servitude (having to work for others against one's will).

Reviewing and Reflecting on Facts and Ideas

1. Define the following terms. Give an example that fits each definition. Explain how each term fits into or is related to the 1787 Northwest Ordinance.
   a. ordinance
   b. compact
   c. civil liberties
   d. writ of habeas corpus
   e. republican form of government
2. What are main differences in the first, second, and third stages of government prescribed in the Northwest Ordinance? Identify at least three differences between stage one and stage two. Identify at least three differences between stage two and stage three.
3. What civil liberties and rights of the people are provided by the Northwest Ordinance? Select three of these civil liberties and rights that you think are the most important. Why, in your judgment, are they more important than the other liberties and rights?
4. Look at a copy of the first ten amendments to the Constitution of the United States. These amendments are known as THE BILL OF RIGHTS. Examine Article I, Sections 9 and 10 of the Constitution. Compare the civil liberties and rights provided by the Northwest Ordinance with those provided in the specified parts of the Constitution.
   a. Which liberties and rights are provided in both documents?
   b. Which rights and liberties are provided in the Constitution but not in the Northwest Ordinance?
   c. Which liberties and rights are provided in the Northwest Ordinance but not in the Constitution of 1787 and the Bill of Rights of 1791?
5. Many American leaders—including Presidents Franklin Roosevelt, Theodore Roosevelt, Washington, and Lincoln—have strongly praised the Northwest Ordinance. Do you agree with their views? Why?
6. Is it important for Americans today to know about the Northwest Ordinance? Write a brief essay in response to this question.

Franklin County Seminary, 1830

The Northwest Ordinance provided for schools and the means of education. This building remains today, restored as a reminder of that heritage. Courtesy Indiana Division, Indiana State Library.



A Scene on the Wabash
Engraved after a painting by George Winter

Various Indian tribes inhabited the lands of the Northwest Territory in 1787. Over the next thirty years, as the pioneer settlers of the United States moved westward, the government removed the Indians via treaties to open the lands for settlements. Artist George Winter in the 1830s and 1840s sketched some of the few Indians remaining in northern Indiana. The bulk of his work remains at the Tippecanoe County Historical Association, Lafayette, courtesy Mrs. Cable G. Ball. Winter was surprised by the non-traditional appearance of the Indians and fully documented their lifestyle in his journals and paintings. The Indiana Historical Society published his journals in 1948.

Teaching Plan for Lesson 5

What Does the Northwest Ordinance Say about Governance?

Preview of Main Points

The purpose of this lesson is to increase students' knowledge of certain parts of the Northwest Ordinance that pertain to territorial government and achievement of statehood.

Curriculum Connection

This lesson is suitable for use in American history courses in junior high/middle school and in high school courses in American history, government, and civics. Teachers of junior high/middle school courses will most likely want to use the abridged and edited version of the Northwest Ordinance, which is attached to the lesson, as the source of evidence in responding to items 1 to 15 in the lesson. High school teachers will probably want to use the complete version of the document, which is located in the Appendix.

Objectives

Students are expected to:

1. Demonstrate knowledge of processes and plans for government in the Northwest Ordinance by responding correctly to items 1 to 15 in the lesson.
2. Support their responses to each item by listing the correct reference to a paragraph or paragraphs in the Northwest Ordinance.
3. Practice skills in locating, comprehending, and interpreting information in a primary source.

Suggestions for Teaching the Lesson

Opening the Lesson. Inform students of the main points of the lesson. Make sure that students understand the directions for the lesson. It might be helpful to complete item 1 together in order to be certain that everyone understands how to complete all items in the lesson and how to use the primary source to carry out the assignment.

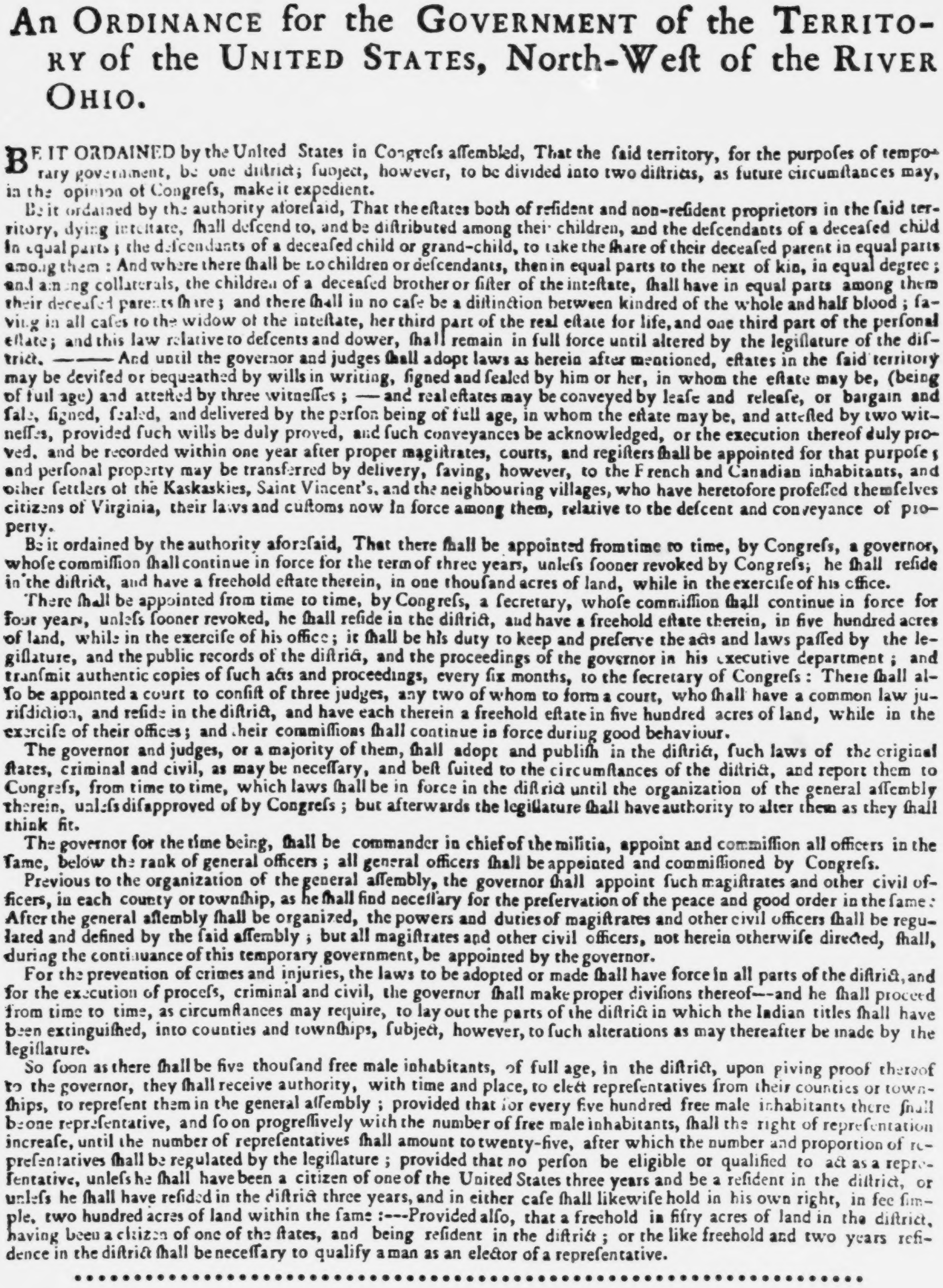
Developing the Lesson. Have students work individually or in small groups to complete responses to all fifteen items of this lesson. If students are assigned to work in small groups (four or five to a group), encourage them to interact with one another as they complete the items.

Have various students report their answers to the items in the lesson. Require students to support their answers with specific references to the Northwest Ordinance. Ask different students to make judgments about the responses of their peers to the fifteen items in this lesson.

Concluding the Lesson. Ask students to explain what each item in the activity has to do with territorial government and achievement of statehood. Encourage students to raise questions about the meaning of provisions of the Northwest Ordinance that pertain to governance. Identify and discuss basic principles and values about government and citizenship in the United States that are embodied in the Northwest Ordinance and are associated with the main ideas of this lesson. For example, basic principles and values, such as majority rule, separation of powers, rule of law, limited government, and constitutionalism, are embodied in the Northwest Ordinance. Ask students: what basic principles and values in the American heritage can be found in this document? Ask them to identify basic civic principles and values in our heritage that are not in this document.

Answers to Items 1 - 15

1.	NO,	Paragraphs Nos. 4, 8, 10
2.	NO,	Paragraph No. 8
3.	YES,	Paragraph No. 5
4.	NO,	Paragraph No. 8
5.	NO,	Paragraph No. 10
6.	YES,	Paragraph No. 10
7.	YES,	Paragraph No. 10
8.	YES,	Paragraph No. 10
9.	YES,	Paragraph No. 18
10.	NO,	Paragraph No 11
11.	NO,	Paragraph No. 11
12.	YES,	Paragraphs Nos. 12, 18
13.	NO,	Paragraphs Nos. 3-7
14.	YES,	Paragraph No. 3
15.	YES,	Paragraph No. 10



An ORDINANCE for the GOVERNMENT of the TERRITORY of the UNITED STATES, North-Weſt of the RIVER OHIO.

BE IT ORDAINED by the United States in Congreſs aſſembled, That the ſaid territory, for the purpoſes of temporary government, be one diſtrict; ſubject, however, to be divided into two diſtricts, as future circumſtances may, in the opinion of Congreſs, make it expedient.

Be it ordained by the authority aforeſaid, That the eſtates both of reſident and non-reſident proprietors in the ſaid territory, dying inteſtate, ſhall deſcend to, and be diſtributed among their children, and the deſcendants of a deceaſed child in equal parts; the deſcendants of a deceaſed child or grand-child, to take the ſhare of their deceaſed parent in equal parts among them: And where there ſhall be no children or deſcendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceaſed brother or ſiſter of the inteſtate, ſhall have in equal parts among them their deceaſed parents ſhare; and there ſhall in no caſe be a diſtinction between kindred of the whole and half blood; ſaving in all caſes to the widow of the inteſtate, her third part of the real eſtate for life, and one third part of the perſonal eſtate; and this law relative to deſcents and dower, ſhall remain in full force until altered by the legiſlature of the diſtrict. ——— And until the governor and judges ſhall adopt laws as herein after mentioned, eſtates in the ſaid territory may be deviſed or bequeathed by wills in writing, ſigned and ſealed by him or her, in whom the eſtate may be, (being of full age) and atteſted by three witneſſes; — and real eſtates may be conveyed by leaſe and releaſe, or bargain and ſale, ſigned, ſealed, and delivered by the perſon being of full age, in whom the eſtate may be, and atteſted by two witneſſes, provided ſuch wills be duly proved, and ſuch conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magiſtrates, courts, and regiſters ſhall be appointed for that purpoſe; and perſonal property may be transferred by delivery, ſaving, however, to the French and Canadian inhabitants, and other ſettlers of the Kaskaskies, Saint Vincent's, and the neighbouring villages, who have heretofore profeſſed themſelves citizens of Virginia, their laws and cuſtoms now in force among them, relative to the deſcent and conveyance of property.

Be it ordained by the authority aforeſaid, That there ſhall be appointed from time to time, by Congreſs, a governor, whoſe commiſſion ſhall continue in force for the term of three years, unleſs ſooner revoked by Congreſs; he ſhall reſide in the diſtrict, and have a freehold eſtate therein, in one thouſand acres of land, while in the exerciſe of his office.

There ſhall be appointed from time to time, by Congreſs, a ſecretary, whoſe commiſſion ſhall continue in force for four years, unleſs ſooner revoked, he ſhall reſide in the diſtrict, and have a freehold eſtate therein, in five hundred acres of land, while in the exerciſe of his office; it ſhall be his duty to keep and preſerve the acts and laws paſſed by the legiſlature, and the public records of the diſtrict, and the proceedings of the governor in his executive department; and tranſmit authentic copies of ſuch acts and proceedings, every ſix months, to the ſecretary of Congreſs: There ſhall alſo be appointed a court to conſiſt of three judges, any two of whom to form a court, who ſhall have a common law juriſdiction, and reſide in the diſtrict, and have each therein a freehold eſtate in five hundred acres of land, while in the exerciſe of their offices; and their commiſſions ſhall continue in force during good behaviour.

The governor and judges, or a majority of them, ſhall adopt and publiſh in the diſtrict, ſuch laws of the original ſtates, criminal and civil, as may be neceſſary, and beſt ſuited to the circumſtances of the diſtrict, and report them to Congreſs, from time to time, which laws ſhall be in force in the diſtrict until the organization of the general aſſembly therein, unleſs diſapproved of by Congreſs; but afterwards the legiſlature ſhall have authority to alter them as they ſhall think fit.

The governor for the time being, ſhall be commander in chief of the militia, appoint and commiſſion all officers in the ſame, below the rank of general officers; all general officers ſhall be appointed and commiſſioned by Congreſs.

Previous to the organization of the general aſſembly, the governor ſhall appoint ſuch magiſtrates and other civil officers, in each county or townſhip, as he ſhall find neceſſary for the preſervation of the peace and good order in the ſame: After the general aſſembly ſhall be organized, the powers and duties of magiſtrates and other civil officers ſhall be regulated and defined by the ſaid aſſembly; but all magiſtrates and other civil officers, not herein otherwiſe directed, ſhall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made ſhall have force in all parts of the diſtrict, and for the execution of proceſs, criminal and civil, the governor ſhall make proper diviſions thereof—and he ſhall proceed from time to time, as circumſtances may require, to lay out the parts of the diſtrict in which the Indian titles ſhall have been extinguiſhed, into counties and townſhips, ſubject, however, to ſuch alterations as may thereafter be made by the legiſlature.

So ſoon as there ſhall be five thouſand free male inhabitants, of full age, in the diſtrict, upon giving proof thereof to the governor, they ſhall receive authority, with time and place, to elect repreſentatives from their counties or townſhips, to repreſent them in the general aſſembly; provided that for every five hundred free male inhabitants there ſhall be one repreſentative, and ſo on progreſſively with the number of free male inhabitants, ſhall the right of repreſentation increaſe, until the number of repreſentatives ſhall amount to twenty-five, after which the number and proportion of repreſentatives ſhall be regulated by the legiſlature; provided that no perſon be eligible or qualified to act as a repreſentative, unleſs he ſhall have been a citizen of one of the United States three years and be a reſident in the diſtrict, or unleſs he ſhall have reſided in the diſtrict three years, and in either caſe ſhall likewiſe hold in his own right, in fee ſimple, two hundred acres of land within the ſame:—Provided alſo, that a freehold in fifty acres of land in the diſtrict, having been a citizen of one of the ſtates, and being reſident in the diſtrict; or the like freehold and two years reſidence in the diſtrict ſhall be neceſſary to qualify a man as an elector of a repreſentative.

……

The Ordinance of 1787
Reproduced from a copy in the National Archives
Courtesy Indiana Historical Society

What Does the Northwest Ordinance Say about Governance?

Read each of the following statements. Decide whether or not each statement describes a situation that agrees with the words of the Northwest Ordinance. If so, answer YES. If not, answer NO. Circle the correct answer under each statement.

Find the part of the Northwest Ordinance that supports your answer. Identify the paragraph(s) in the document by assigning numbers to them (from number 1 at the beginning of the document to number 18 at the end of it). Be prepared to explain your responses.

CLUE: Answers to these items can be found in paragraphs number 3 through number 18 of the Northwest Ordinance. See the abridged and edited copy of the document that is attached to this lesson, or your teacher may ask you to work with a complete and unedited version of the document.

---

1. Power to make laws was granted only to the governor during the first two stages of territorial government.

YES NO

Number that identifies the relevant paragraph(s): ____________________

2. All males over twenty-one years of age, who had lived in the territory for at least three years, were eligible to be elected as representatives in the state legislature (General Assembly).

YES NO

Number that identifies the relevant paragraph(s): ____________________

3. The governor had the power and duty to command the state militia (armed forces) and to select all officers below the rank of general.

YES NO

Number that identifies the relevant paragraph(s): ____________________

4. All white adults were eligible to vote in elections of representatives to the territorial government.

YES NO

Number that identifies the relevant paragraph(s): ____________________

5. The term of office for a member of the House of Representatives (the lower house) of the territorial legislature (General Assembly) was five years.

YES NO

Number that identifies the relevant paragraph(s): ____________________

6. In order for a bill (proposed law) to be passed by the territorial legislature, it had to receive a majority vote of the members of the House of Representatives (lower house) and the Legislative Council (upper house).

YES NO

Number that identifies the relevant paragraph(s): ____________________

7. Before a bill passed by the territorial legislature could become a law, the governor had to approve it; if he vetoed (rejected) it, the legislature could do nothing to overturn the veto.

YES NO

Number that identifies the relevant paragraph(s): ____________________

8. A territory had to include more than 5,000 free, adult male inhabitants before it was permitted to elect representatives to a territorial legislature.

YES NO

Number that identifies the relevant papagraph(s): ____________________

9. A territory with more than 60,000 free inhabitants could hold a convention to write a constitution and apply to the United States Congress for statehood.

YES NO

Number that identifies the relevant paragraph(s): ______________________

10. The eligible voters in a territory could elect a representative to the United States Congress from the territory.

YES NO

Number that identifies the relevant paragraph(s): ______________________

11. The territorial representative to the United States Congress had the same rights and duties as any other member of the Congress.

YES NO

Number that identifies the relevant paragraph(s): ______________________

12. When a territory was accepted into the Union as a state, it was considered equal in status, rights, and responsibilities to all other states.

YES NO

Number that identifies the relevant paragraph(s): ______________________

13. When a territory had less than 5,000 inhabitants, it was governed directly by the president of the United States.

YES NO

Number that identifies the relevant paragraph(s). ______________________

14. In a territory with fewer than 5,000 inhabitants, the governor was appointed by the United States Congress.

YES NO

Number that identifies the relevant paragraph(s): ______________________

15. In a territory with fewer than 60,000 inhabitants, the United States Congress appointed members of the upper house of the territorial legislature (the Legislative Council).

YES NO

Number that identifies the relevant paragraph(s): ______________________

Little Cedar Grove Baptist Church, 1812

The Northwest Ordinance provided for freedom of religious belief and worship. This Franklin County structure is one of many religious institutions that remain in the state as a reminder of that enduring freedom.

THE 1787 NORTHWEST ORDINANCE (Ideas on Governance)

Following are excerpts from the Northwest Ordinance, which indicate how government was to be established and how a territory could achieve statehood. Numbers are used to designate the order of paragraphs in the document, from 3 to 18; paragraphs 1 and 2 are omitted, as are several paragraphs in the middle of the document.

3. . . . there shall be appointed from time to time by Congress a governor, whose commission shall continue in force for the term of three years. . . . There shall be appointed . . . by Congress, a secretary, whose commission shall continue in force for four years. . . . There shall also be appointed a court to consist of three judges . . . and their commissions shall continue in force during good behavior.

4. The governor and judges, or a majority of them, shall adopt and publish in the district such laws . . . as may be necessary . . . which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

5. The governor . . . shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress. . . .

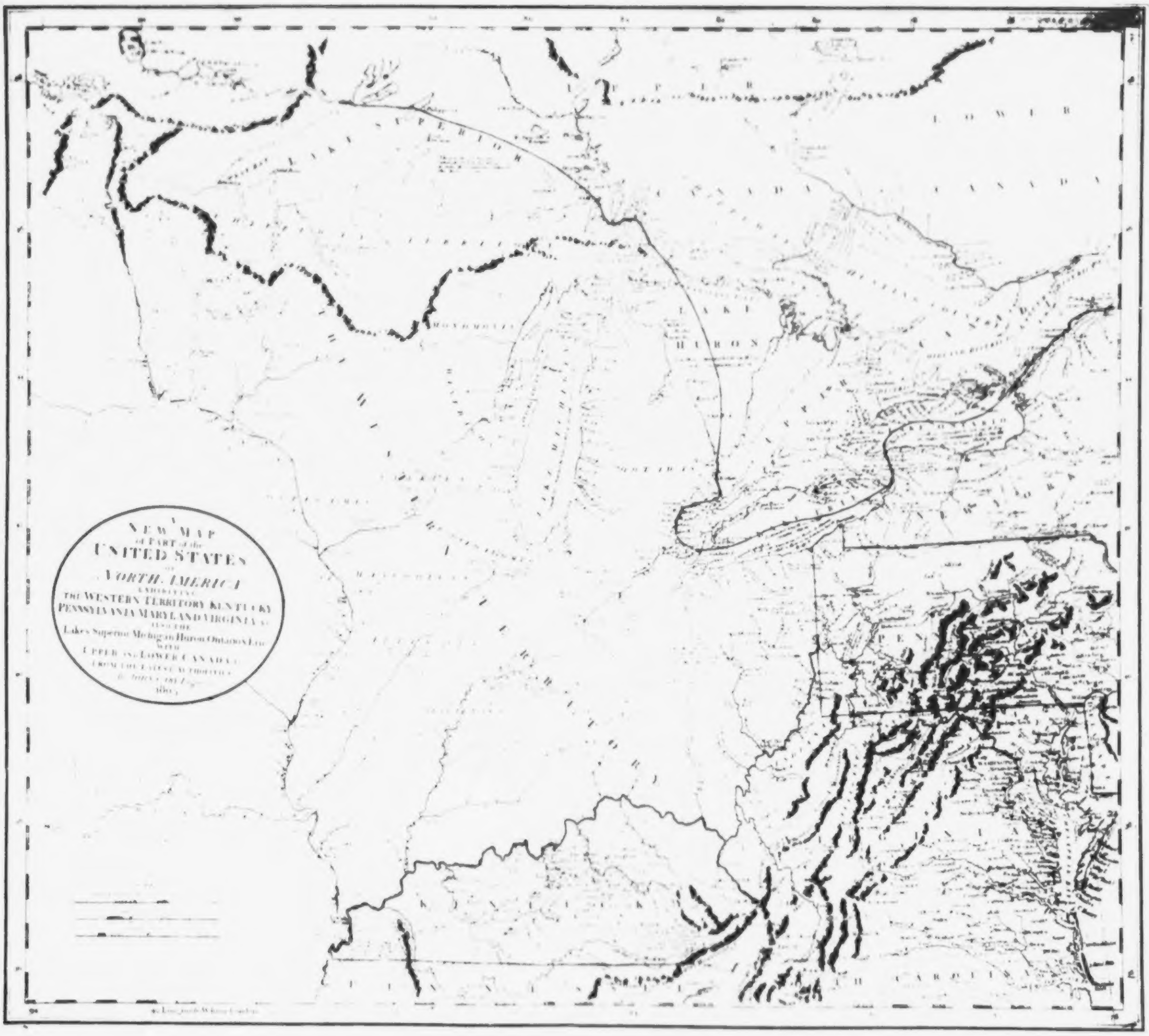
8. So soon as there shall be five thousand free male inhabitants, of full age, in the district . . . they shall receive authority . . . to elect representatives from their counties or townships, to represent them in the general assembly . . . provided that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years and be a resident in the district . . . and . . . shall hold in his own right . . . two hundred acres of land within the same: Provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being resident in the district . . . shall be necessary to qualify a man as an elector of a representative.

9. The representative thus elected, shall serve for the term of two years. . . .

10. The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years. . . . [Members of the House of Representatives nominated ten candidates for the Legislative Council, and the United States Congress picked five of them to serve on the Legislative Council.] And the governor, legislative council, and house of representatives, shall have authority to make laws in all cases for the good government of the district, not repugnant [opposed] to the principles and articles in this ordinance. . . . And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. . . .

11. . . . As soon as a legislature shall be formed in the district, the council and house . . . shall have authority . . . to elect a delegate to Congress who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

18. There shall be formed in the said territory, not less than three nor more than five states . . . and whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted . . . into . . . the United States, on an equal footing with the original states, in all respects whatever; and shall be at liberty to form a permanent constitution and state government: Provided the constitution and government, so to be formed, shall be republican [government by elected representatives of the people], and in conformity to the principles contained in these articles. . . .


A NEW MAP
of PART of the
UNITED STATES
of
NORTH AMERICA
Exhibiting
THE WESTERN TERRITORY KENTUCKY
PENNSYLVANIA MARYLAND VIRGINIA &c
ALSO THE
Lakes Superior Michigan Huron Ontario & Erie
WITH
UPPER and LOWER CANADA &c
FROM THE LATEST AUTHORITIES
LAKE SUPERIOR
UPPER
LOWER
CANADA
HURON
KENTUCKY

A New Map of Part of the United States of
North America Exhibiting the
Western Territory . . .
By John Cary, 1805. Courtesy Indiana Historical Society.

Teaching Plan for Lesson 6

What Does the Northwest Ordinance Say about Civil Liberties and Rights?

Preview of Main Points

The purpose of this lesson is to increase students' knowledge of certain parts of the Northwest Ordinance that pertain to civil liberties and rights.

Curriculum Connection

This lesson is suitable for use in American history courses in junior high/middle school and in high school courses in American history, government, and civics. Teachers of junior high/middle school courses will most likely want to use the abridged and edited version of the Northwest Ordinance, which is attached to the lesson, as the source of evidence in responding to items 1 through 10 in the lesson. High school teachers will probably want to use the complete and unedited version of the document, which is located in the Appendix.

Objectives

Students are expected to:

1. Demonstrate knowledge of civil liberties and rights in the Northwest Ordinance by responding correctly to items 1 through 10 in the lesson.
2. Support their responses to each item by listing the correct reference to an article in the Articles of Compact of the Northwest Ordinance.
3. Practice skills in locating, comprehending, and interpreting information in a primary source.

Suggestions for Teaching the Lesson

Opening the Lesson. Inform students of the main points of the lesson. Make sure that students understand the directions for the lesson. It might be helpful to complete item 1 together in order to be certain that everyone understands how to complete all items in the lesson and how to use the primary source to carry out the assignment.

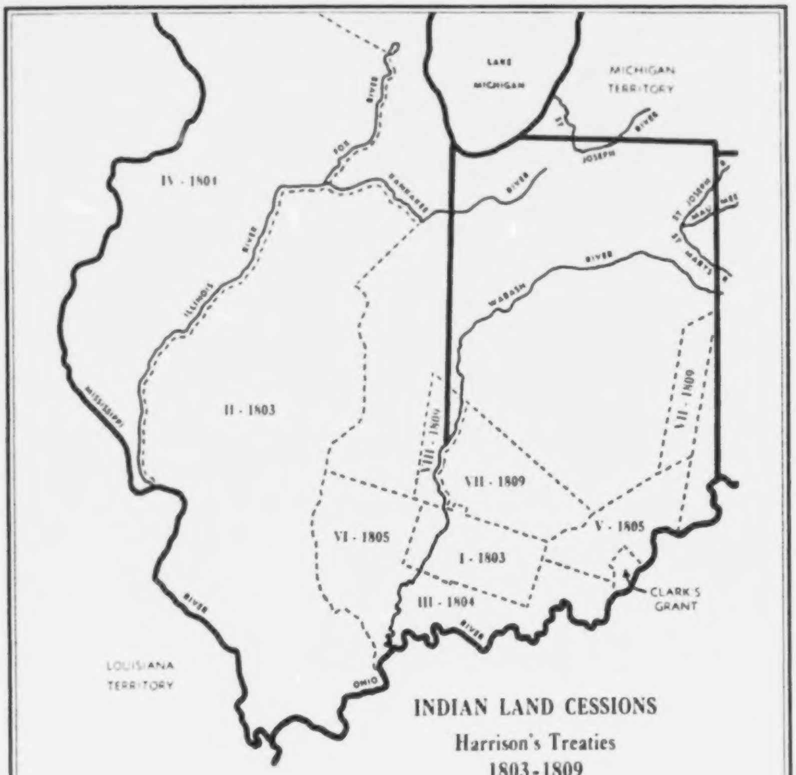
Developing the Lesson. Have students work individually or in small groups to complete responses to all ten items of this lesson. If students are assigned to work in small groups (four or five to a group), encourage them to interact with one another as they complete the items.

Have various students report their answers to the items in the lesson. Require students to support their answers with specific references to the Northwest Ordinance. Ask different students to make judgments about the responses of their peers to the ten items in this lesson.

Concluding the Lesson. Ask students to explain what each item in the activity has to do with civil liberties and rights. By doing this, students have an opportunity to increase their understanding of civil liberties and rights in the American heritage. Ask students to identify basic civil liberties and rights in the American heritage that can be found in the Northwest Ordinance. Ask them to identify basic civil liberties and rights in the American heritage that are not found in the Northwest Ordinance.

Answers to Items 1 -10

1.	YES,	Article VI
2.	NO,	Article I
3.	NO,	Article VI
4.	YES,	Article V
5.	YES,	Article III
6.	NO,	Article II
7.	YES,	Article II
8.	NO,	Article V
9.	NO,	Article II
10.	YES,	Article II


LAKE MICHIGAN
MICHIGAN TERRITORY
FOX RIVER
KANKAKEE RIVER
ST JOSEPH
ST JOSEPH
MAUMEE
ST MARYS
WABASH RIVER
ILLINOIS RIVER
MISSISSIPPI
IV - 1804
II - 1803
VIII - 1809
VII - 1809
VII - 1809
VI - 1805
V - 1805
I - 1803
III - 1804
CLARK'S GRANT
RIVER
OHIO
LOUISIANA TERRITORY

INDIAN LAND CESSIONS

Harrison's Treaties

1803-1809

I. June 7, 1803, at Fort Wayne, with the Delawares, Shawnee, Potawatomi, Miami, Eel Rivers, Wea, Kickapoo, Piankashaw, and Kaskaskia.
II. August 13, 1803, at Vincennes, with the Kaskaskia.
III. August 18 and 27, 1804, at Vincennes, with the Delawares and Piankashaw.
IV. November 3, 1804, at St. Louis, with the Sauk and Foxes.
V. August 21, 1805, at Grouseland, with the Delawares, Potawatomi, Miami, Eel Rivers, and Wea.
VI. December 30, 1805, at Vincennes, with the Piankashaw.
VII. September 30, 1809, at Fort Wayne, with the Delawares, Potawatomi, Miami, Eel Rivers, and Wea.
VIII. December 9, 1809, at Vincennes, with the Kickapoo.

From: John D. Barnhart and Dorothy L. Riker, *Indiana to 1816: The Colonial Period* (Indianapolis: Indiana Historical Bureau and Indiana Historical Society, 1971), 377.

What Does the Northwest Ordinance Say about Civil Liberties and Rights?

Read each of the following statements. Decide whether or not each statement describes a situation that agrees with the words of the Northwest Ordinance. If so, answer YES. If not, answer NO. Circle the correct answer under each statement.

Find the part of the Northwest Ordinance that supports your answer. CLUE: Answers to these items can be found in the Articles of Compact in the latter part of the Northwest Ordinance. Identify the number of the Article (I-VI) that supports your answer to each item. Refer to the abridged and edited version of the Northwest Ordinance that is attached to this lesson, or your teacher may ask you to work with a complete and unedited version of the document.

---

1. Involuntary servitude was not permitted.

YES NO

Number of Article:____________________

2. Only people with Christian religious beliefs had full rights of citizenship.

YES NO

Number of Article:____________________

3. Persons held as slaves in another territory or state could be taken into the Northwest Territory and held there as slaves.

YES NO

Number of Article:____________________

4. In order to be admitted into the Union, a territorial government had to draft a state constitution that agreed with every part of the Articles of Compact of the Northwest Ordinance.

YES NO

Number of Article:____________________

5. Schools and other means of education were to be encouraged by territorial and state governments.

YES NO

Number of Article:____________________

6. Inhabitants were denied the privilege of the writ of habeas corpus.

YES NO

Number of Article:____________________

7. Property rights were protected by law.

YES NO

Number of Article:____________________

8. Inhabitants of a territory could draft a constitution that provided any type of government; as long as it was approved by the majority of the eligible voters of the territory, it would be acceptable to the United States Congress.

YES NO

Number of Article:____________________

9. Only property owners had the right of trial by jury if accused of a crime.

YES NO

Number of Article:____________________

10. The government had no right to interfere with private contracts made lawfully and without fraud.

YES NO

Number of Article:____________________

THE 1787 NORTHWEST ORDINANCE

(Articles of Compact)

Following are excerpts from the "Articles of Compact" in the Northwest Ordinance. These six "Articles" proclaimed basic civil liberties and rights for the people living on the frontier and outside of the original thirteen states of the United States.

Article the First. No person demeaning [conducting] himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments [beliefs]. . . .

Article the Second. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus and of the Trial by Jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the . . . common law; all persons shall be bailable unless for capital offences, where the proof shall be evident, or the presumption great; all fines shall be moderate; and no cruel or unusual punishment shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public [need] . . . make it necessary, for the common [good] . . . to take any person's property, or to demand his particular services, full compensation shall be made for the same; and in the just preservation of rights and property . . . no law ought ever to be made or have force in the said territory, that shall . . . interfere with or affect private contracts. . . .

Article the Third. Religion, Morality, and knowledge, being necessary to good government and the happiness of mankind, Schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they never shall be disturbed, unless in just and lawful wars authorised by Congress. . . .

Article the Fourth. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made. . . .

Article the Fifth. There shall be formed in the said territory, not less than three nor more than five states . . . and whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted . . . into . . . the United States, on an equal footing with the original states, in all respects whatever; and shall be at liberty to form a permanent constitution and state government: Provided the constitution and government, so to be formed, shall be republican [government by elected representatives of the people], and in conformity to the principles contained in these articles. . . .

Article the Sixth. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted. . . .

Teaching Plan for Lesson 7

State Making under the Northwest Ordinance, 1803-1848

Preview of Main Points

This lesson is about events involved in state making under the Ordinance of 1787. It tells how five states were carved out of the Northwest Territory—Ohio (1803), Indiana (1816), Illinois (1818), Michigan (1837), and Wisconsin (1848).

Curriculum Connection

This lesson can be used in junior high/middle school and high school courses on American history. It fits standard textbook treatments about the westward movement and national development during the first half of the nineteenth century.

Objectives

Students are expected to:

1. Identify major events in the making of five states out of the Northwest Territory.
2. Know when and how major events developed in the making of five states out of the Northwest Territory.
3. Understand the relationship of the Ordinance of 1787 to state making in the Northwest Territory.
4. Know about population growth and its relationship to state making in the Northwest Territory.
5. Analyze data about the Northwest Territory presented in maps and a table.

Suggestions for Teaching the Lesson

Opening the Lesson. Have students read the introduction to the lesson, which lists the states of the Northwest Territory with dates of their entry into the Federal Union. Ask students to comment on the relationship of the Ordinance of 1787 to the making of these five states; ask: what did the Ordinance of 1787 have to do with state making in the Northwest Territory? Indicate that the main point of this lesson is state making under terms of the Ordinance of 1787.

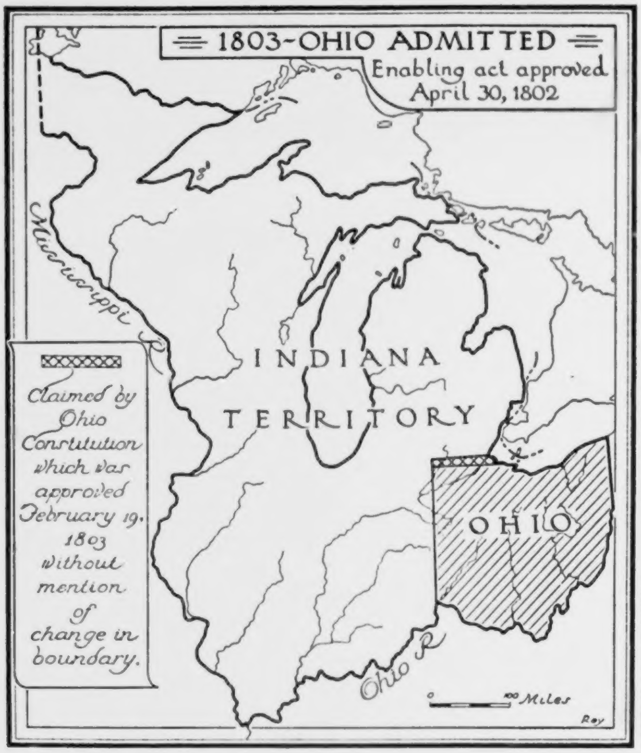
Developing the Lesson. Show students the various maps in this lesson that illustrate how the Northwest Territory was divided and states were made from 1800 to 1848. Use the maps as a way of giving students an overview of the state making process in advance of reading the main part of the lesson.

Have students read the main part of the lesson. Next tell them to complete items 1 to 3 in the set of learning activities at the end of the lesson.

Conduct a classroom discussion of items 1 to 3. Assign items 4 and 5 at the end of the set of learning activities.

Concluding the Lesson. Conduct a classroom discussion of item 4. Require students to use evidence in the table at the end of the lesson to back up answers.

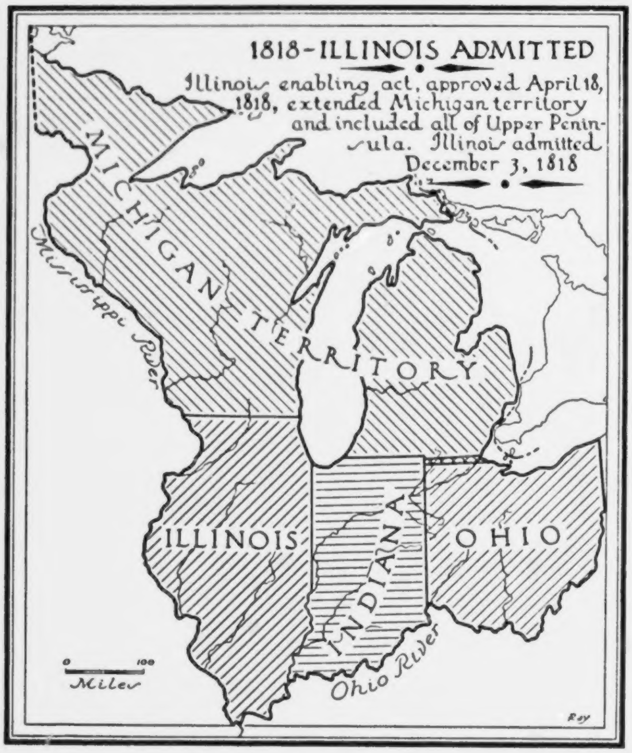
In response to item 5, call upon a student to read his/her topic sentence and paragraph. Ask other students to critique the paragraph. Repeat this procedure three or four more times.



1803-OHIO ADMITTED
Enabling act approved April 30, 1802

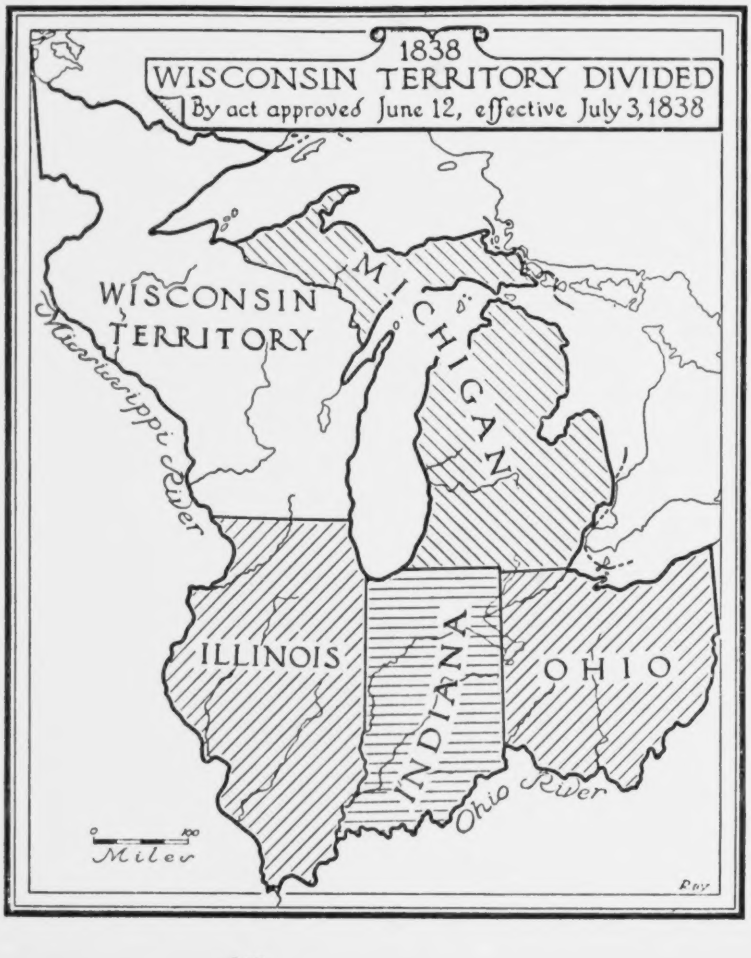
▨ Claimed by Ohio Constitution which was approved February 19, 1803 without mention of change in boundary.

INDIANA
TERRITORY
OHIO
Mississippi
Ohio R
0 100 Miles
Roy



1818-ILLINOIS ADMITTED
Illinois enabling act, approved April 18, 1818, extended Michigan territory and included all of Upper Peninsula. Illinois admitted December 3, 1818

MICHIGAN TERRITORY
ILLINOIS
INDIANA
OHIO
Mississippi River
Ohio River
0 100
Miles
Roy



1838
WISCONSIN TERRITORY DIVIDED
By act approved June 12, effective July 3, 1838

WISCONSIN
TERRITORY
MICHIGAN
MICHIGAN
ILLINOIS
INDIANA
OHIO
Mississippi River
Ohio River
0 100
Miles
Roy

From: R. Carlyle Buley, *The Old Northwest: Pioneer Period, 1815-1840* (Indianapolis: Indiana Historical Society, 1950).

State Making under the Northwest Ordinance, 1803-1848

The Northwest Territory included an area of more than 265,000 square miles. From 1803 to 1848, the Ordinance of 1787 was used to make five states in the Old Northwest—Ohio (1803), Indiana (1816), Illinois (1818), Michigan (1837), Wisconsin (1848). Furthermore, a small portion of Wisconsin Territory became part of Minnesota, which entered the Federal Union in 1858. The Northwest Ordinance was also the framework by which states were created across the Great Plains to the Pacific Coast. In all, thirty-one of the fifty United States of America entered the Federal Union under principles of the Ordinance of 1787.

Beginnings of Government in the Northwest Territory

On October 5, 1787, Congress elected a governor, secretary, and three judges to govern the Northwest Territory according to provisions of the Ordinance of 1787. General Arthur St. Clair was elected governor. Born in Scotland, St. Clair came to North America with a British regiment during the war against France, 1754-1763. After the war, he settled in Pennsylvania. Later he fought with George Washington in the War of Independence. St. Clair was serving as president in Congress on July 13, 1787, when the Ordinance of 1787 was passed.

In July, 1788, Governor St. Clair arrived at Marietta, a settlement located at the confluence of the Ohio and Muskingum rivers. Marietta had been founded on April 7 of that same year by army veterans of the War of Independence; it was the first permanent settlement of the Northwest Territory under American administration. On July 27, Governor St. Clair established Washington County, the first governmental unit within the Northwest Territory and, in cooperation with the secretary and three judges, began his duties of governance at Marietta.

Act of Congress Dividing the Northwest Territory, 1800

In 1799, the Northwest Territory had more than 5,000 adult male inhabitants and entered the second stage of government under the Ordinance of 1787. Voters elected the lower house of a territorial legislature. In 1800, the U. S. Congress divided the Northwest Territory into two parts. The eastern part—which continued to have the name of *Northwest Territory*—included the present boundaries of Ohio and a small area in the eastern part of today's state of Michigan. The western part—which was given the name of *Indiana Territory*—comprised the rest of the previous territory. The territorial capital of the Northwest Territory was Chillicothe in what would soon be Ohio; Vincennes became the capital of Indiana Territory.

William Henry Harrison was appointed the first governor of the Indiana Territory. The map on page 45 shows the first division of the Northwest Territory in 1800, which created the Indiana Territory.

Ohio Admitted to the Federal Union, 1803

Ohio was the first state to be made under the Ordinance of 1787. Steps toward this end were taken in 1802, after the census indicated a population of more than 45,000 in the Northwest Territory. A petition was submitted to Congress asking for permission to create a constitution and begin to form a state government. Congress passed an enabling act, signed by President Thomas Jefferson on April 30, 1802, to permit the eastern portion of the Northwest Territory (Ohio) to become a state of the Federal Union. A state constitution was drafted, and on February 19, 1803, Ohio was recognized by the U. S. Congress as the seventeenth state of the Federal Union.

Acts of Congress Creating the Territories of Michigan and Illinois, 1805 and 1809

On January 11, 1805, an act of Congress created the territory of Michigan from "all that part of the Indiana Territory which lies north of a line drawn east from the southerly bend, or extreme of Lake Michigan, until it shall intersect Lake Erie, and east of a line drawn from the said southerly bend through the middle of said lake to its northern extremity and thence due north to the northern boundary of the United States." The creation of Michigan Territory left Indiana Territory with the area now occupied by the states of Indiana, Illinois, Wisconsin, the upper peninsula of Michigan, and the portion of Minnesota that is east of the Mississippi River. The territorial division made by the 1805 act of Congress is shown in the map on page 45.

Meanwhile, residents of Indiana were anxious to move to the second stage of territorial government. At first Governor Harrison opposed this move, but he put the matter before the voters. In a public election in September, 1804, Indiana voters favored the advance. So on December 4, 1804, Governor Harrison proclaimed Indiana to be in the second stage of territorial government and called for an election of representatives to establish a lower house of the territorial legislature; the election was held in January, 1805.

On February 3, 1809, another act of Congress further divided Indiana Territory and thereby created the territory of Illinois, which is shown in the map on page 45. Indiana Territory in 1809 was left with nearly the state boundaries of today—except that the upper peninsula of Michigan was still part of Indiana and a small strip of land along the south shore of Lake Michigan, now in Indiana, was then part of Michigan Territory.

Indiana and Illinois Admitted to the Federal Union, 1816 and 1818

During the early years of the 1800s, the population of Indiana and Illinois territories expanded rapidly. In 1800, each of these territories had less than 3,000 inhabitants. By 1810, Indiana had more than 24,500 inhabitants, and Illinois had more than 12,000.

In 1811, the lower house of the Indiana territorial legislature passed a resolution in favor of statehood. The Council, or upper house, agreed, and the statehood resolution was sent to the U. S. Congress, where it was studied by committees of the House of Representatives and Senate. The Indiana resolution said that the people of the territory "Born and educated in different states of the Union in the enjoyment of civil and political rights . . . think it hard to be in a degree, disfranchised as a people . . . and pray that they may have the liberty of forming a constitution."

Members of Congress seemed ready to grant statehood to Indiana even though the number of inhabitants in the territory was well below the standard for statehood set in the Northwest Ordinance. However, the War of 1812 postponed serious efforts at state making in Indiana. Several months after the end of the war, in December, 1815, the territorial government of Indiana forwarded another petition for statehood to Congress. This time, the population of the territory was clearly more than 60,000, the number required for statehood by the Ordinance of 1787. Congress passed an enabling act, permitting Indiana to write a state constitution, and President James Madison signed it on April 19, 1816. Later that year on December 11, 1816, Indiana entered the Federal Union as the nineteenth state. See the map on page 45 that shows the state boundaries of Indiana in relation to other states and territories of the Old Northwest.

Soon afterwards, pressures mounted to grant statehood to Illinois, even though the population was only about 40,000. A majority in Congress wanted to add another state without slavery to the Federal Union as soon as possible. Mississippi, where slavery was permitted, had entered the Federal Union in 1817 as the twentieth state, and the issue of slavery in the western territories and states was becoming a hot national controversy. An enabling act for Illinois statehood was passed on April 18, 1818, and on December 3, 1818, Illinois became the twenty-first state of the Federal Union. See the map on page 36 that shows the boundaries of Illinois and other states and territories of the Old Northwest at the end of 1818.

Making the States of Michigan (1837) and Wisconsin (1848)

In 1827, Michigan had more than enough inhabitants to enter the second stage of territorial government under the Ordinance of 1787. Ten years later on January 26, 1837, Congress approved admission of Michigan as the twenty-sixth state of the United States.

Admission of Michigan to statehood had been held up by a boundary dispute with Ohio, which was resolved by Congress in favor of Ohio. Michigan was compensated by having the upper peninsula area included within its boundaries instead of in the new Wisconsin Territory, which was created by an act of Congress in 1836. See the maps on page 39 that show boundaries of the state of Michigan and the territory of Wisconsin.

The population of Wisconsin grew rapidly from 1840 (approximately 31,000) until 1850 (more than 300,000). By 1848, Wisconsin Territory had many more inhabitants than the number required for statehood, which was granted by Congress on May 29, 1848.

Overview of Population Growth of Territories and States of the Old Northwest, 1800-1850

The five states made from the Old Northwest—Ohio, Indiana, Illinois, Michigan, and Wisconsin—were rich in natural resources, especially fertile farmland and abundant forests. These resources attracted settlers seeking land and opportunity. The table on page 40 shows the rapid population growth of the territories and states of the Old Northwest from 1800 to 1850.

Reviewing and Reflecting on Facts and Ideas

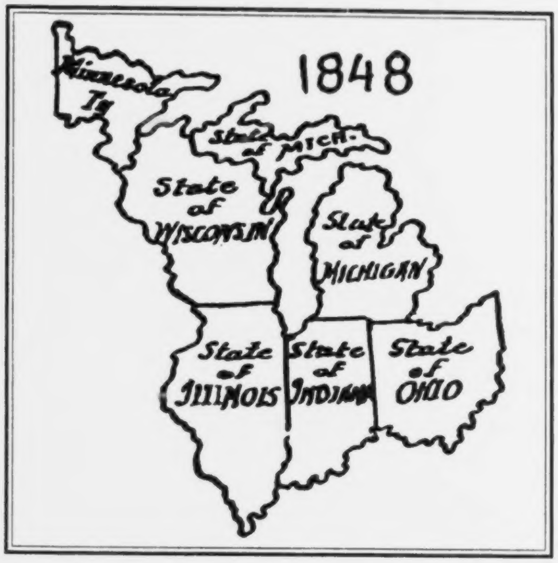
1. Examine the following list of dates. What is the significance of each date in the process of state making in the Old Northwest?
   a. October 5, 1787
   b. April 7, 1788
   c. February 19, 1803
   d. January 11, 1805
   e. February 3, 1809
   f. December 11, 1816
   g. December 3, 1818
   h. January 26, 1837
   i. May 29, 1848

2. Examine the various maps in this lesson and use information in these maps to answer the following questions.
   a. How was the Northwest Territory divided in 1800?
   b. How was the Indiana Territory divided in 1805?
   c. How was the Indiana Territory divided in 1809?
   d. How many states had been made from the Northwest Territory of 1787 by 1818? Name these states.
   e. What states were made between 1818 and 1848 from the Northwest Territory of 1787?
   f. What was the smallest state to be made from the Northwest Territory of 1787?
   g. What was the first state to be made from the Northwest Territory?
   h. What was the last state to be made from the Northwest Territory of 1787?

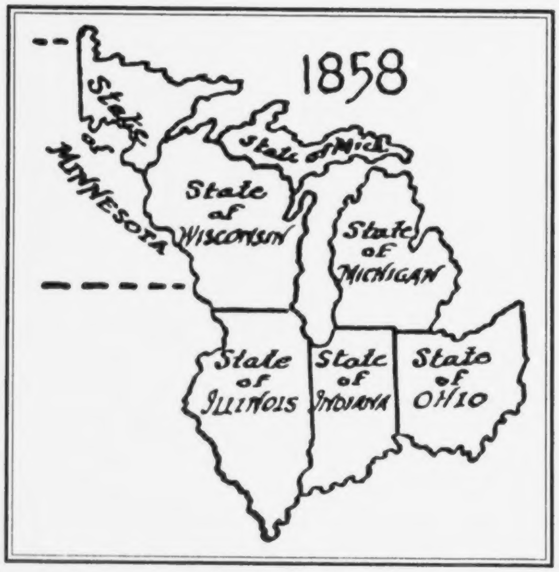
3. Describe the state making process in Ohio, as it was carried out under the Ordinance of 1787.

4. Examine information in the table on page 40. Use evidence from this table to decide which of the following statements are true or false.
   a. By 1850, Ohio had more people than any state in the United States.
   b. By 1850, Indiana ranked seventh in population among all the states made from the Northwest Territory.
   c. The state with the least number of people in the Old Northwest, from 1800 to 1850, was Wisconsin.
   d. Population density in Indiana was greater than population density in Michigan.
   e. The rate of population growth in Wisconsin was greater than the rate of population growth in Michigan from 1840 to 1850.

5. What is the main idea of the table? State this main idea as a topic sentence. Follow up the topic sentence with a paragraph that supports the topic sentence with evidence from the table.


1848
Minnesota Ty
State of Mich.
State of Wisconsin
State of Michigan
State of Illinois
State of Indiana
State of Ohio

Wisconsin Admitted


1858
State of Minnesota
State of Mich.
State of Wisconsin
State of Michigan
State of Illinois
State of Indiana
State of Ohio

Minnesota Admitted

From: *History of the Ordinance of 1787 and the Old Northwest Territory* (Marietta, Ohio: Northwest Territory Celebration Commission, 1937).

TABLE
POPULATION GROWTH OF THE OLD NORTHWEST TERRITORIES and STATES, 1800 - 1850

	Ohio	Ind.	Ill.	Mich.	Wis.
1800					
Pop.	42,161	2,517	2,457	3,757	——
No. per sq. mile	1.1	——	——	——	——
1810					
Pop.	230,760	24,520	12,282	4,762	——
No. per sq. mile	5.7	0.7	0.2	——	——
1820					
Pop.	581,295	197,178	55,162	8,765	——
No. per sq. mile	14.3	4.1	1	0.1	——
Rank	5	18	24	——	——
1830					
Pop.	937,903	343,031	157,445	31,639	——
No. per sq. mile	23	9.6	2.8	0.6	——
Rank	4	13	20	——	——
1840					
Pop.	1,519,467	685,866	476,183	212,267	30,945
No. per sq. mile	37.3	18.1	8.5	3.7	0.6
Rank	3	10	14	23	——
1850					
Pop.	1,980,329	988,416	851,470	397,654	305,391
No. per sq. mile	48.6	27.5	15.2	6.9	5.6
Rank	3	7	11	20	24

From: B. A. Hinsdale, *The Old Northwest* (New York: Townsend MacCoun, 1888), 395.

The Northwest Ordinance and Indiana's Advancement to Statehood, 1800-1816

Preview of Main Points

This lesson is based on a collection of documents or primary sources that provide evidence of Indiana's progress from the status of a territory of the United States to a state within the Federal Union, on equal terms with the other states. Excerpts from documents, preceded by brief commentaries that set a context for examination of the primary sources, are the substance of this lesson. These materials show the main steps on Indiana's road to statehood, which illustrate the fundamental importance of the Northwest Ordinance as a framework within which advancement to statehood occurred.

Curriculum Connection

This lesson is suitable for use in American history courses in junior high/middle school or in high school. Teachers of eighth grade students might expect students to work only with evidence in the main body of this lesson and to write rather brief essays in response to items 3 and 4 at the end of the lesson. By contrast, high school history teachers might want to have their students explore documents in this lesson in more detail by referring them to the complete versions of these documents in the Appendix. Examination of the complete versions of the primary sources might be viewed as the foundation for fuller and longer essays in response to items 3 and 4 at the end of this lesson.

Objectives

Students are expected to:

1. Comprehend and interpret main ideas in primary sources about Indiana's advancement to statehood.
2. Use evidence in primary sources to support or reject statements about Indiana's advancement to statehood.
3. Use evidence in primary sources to write, and defend in discussion, an essay about the relationship of the Northwest Ordinance to Indiana's advancement to statehood.
4. Use evidence in primary sources to write, and defend in discussion, an essay about the weaknesses and strengths of the Northwest Ordinance as a means for national development in the United States.
5. Discuss the uses and limitations of evidence in primary sources in the writing of descriptive, interpretative, and evaluative commentaries of events in history.

Suggestions for Teaching the Lesson

Opening the Lesson. Inform students of the purposes of this lesson. Emphasize that they will be expected to use evidence located in documents or primary sources to make conclusions and judgments about events in the history of Indiana. If necessary, review the meaning of the terms "document" and "primary sources" and discuss the uses of evidence from primary sources in the writing of history.

Have students read the introduction to the lesson and the excerpt from the first document about the "Act Creating Indiana Territory, 1800." High school teachers might want to have their students use the complete version of this document, which is located in the Appendix.

Ask students to identify the main idea of the document. Then ask what this document shows about the relationship of the Northwest Ordinance to events in the advancement of Indiana Territory to statehood.

Developing the Lesson. Ask students to read all the documents in this lesson and the commentaries preceding the documents. Tell students to examine and interpret each document in the same way that the first document was analyzed in the opening phase of this lesson. High school teachers may want to have their students use the complete versions of these documents, which are located in the Appendix.

Assign the task of completing items 1 and 2 on the last page of the lesson. Conduct a classroom discussion of items 1 and 2. Emphasize relationships between answers to these items and evidence in the documents. Require students to back up responses by referring to evidence located in the documents. Use this discussion to help students understand the uses of evidence located in primary sources to make statements about what did or did not happen in the past. In addition, you might want to discuss the limitations of primary sources, which usually provide a rather incomplete picture of past events. These limitations necessitate interpretation and judgment—sometimes large "inferential leaps"—on the part of the investigator of events in history. The limitations associated with the use of documents may be sources of varying interpretations and judgments by investigators of events in history.

Concluding the Lesson. Have students complete items 3 and 4 at the end of the lesson, which require them to use evidence located in the documents to write brief essays. Select two or three students to read their essays to the class and assign students to be formal respondents to the papers. Then encourage full classroom discussion of the ideas offered by the paper presenters and the panel or panels of respondents.

Conclude the lesson by discussing the uses and limitations of evidence from these primary sources in describing, interpreting, and judging events in history. In particular, ask students to reflect upon differences in their use of evidence to respond to items 3 and 4. Point out that items 3 and 4 involve comprehension and interpretation of ideas and facts located in the documents. Item 4, in addition, requires students to go beyond the evidence to make evaluations or judgments about the events described in the documents.

Indiana Territorial Capitol, Vincennes, 1800-1813
Courtesy Robert Stevens and Lewis Historical Library, Vincennes University.

Indiana Capitol at Corydon, 1813-1824
Courtesy Indiana Division, Indiana State Library

The Northwest Ordinance and Indiana's Advancement to Statehood, 1800-1816

Indiana was one of five states created from the Northwest Territory. This was achieved in 1816. The other four states were Ohio (1803), Illinois (1818), Michigan (1837), and Wisconsin (1848). Following are descriptions of main events in the progress of Indiana from a territory to a state in the Federal Union. These events, of course, were in accord with the provisions of the 1787 Northwest Ordinance, which was the legal foundation for Indiana's advancement to statehood.

Act Creating Indiana Territory, 1800

The federal government passed a law in 1800 to divide the Northwest Territory into two parts. One part consisted mainly of land that would become the state of Ohio. The other part was Indiana Territory, and it included all of the present state of Indiana, all of the land that would become Illinois and Wisconsin, a large part of the future state of Michigan, and a small part of Minnesota. William Henry Harrison of Virginia was appointed the first governor of the new and huge Indiana Territory. *Following is an excerpt from the federal law creating Indiana Territory on May 7, 1800.*

> An Act to divide the territory of the United States north-west of the Ohio, into two separate governments.
>
> Be it enacted . . . that . . . part of the territory of the United States north-west of the Ohio river . . . shall, for the purposes of temporary government, constitute a separate territory, and be called the Indiana Territory.
>
> And be it further enacted, That there shall be established within the said territory a government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July one thousand seven hundred and eighty-seven, for the government of the territory of the United States north-west of the river Ohio; and the inhabitants thereof shall be entitled to, and enjoy all . . . the rights, privileges and advantages granted and secured to the people by the said ordinance. . . .

Harrison Land Act, 1800

Harrison, at this time a delegate to Congress from the Northwest Territory, was concerned that settlers have a fair opportunity to buy land in the northwestern country. However, most settlers could not afford to pay for 640 acres of land, the smallest portion one could buy under the existing law. Harrison influenced the federal government to pass the Land Act of 1800, which reduced the minimum area of land a person was required to buy from 640 acres to 320 acres (called a half section). The price of land was set at $2 an acre. Finally, to make it even easier to acquire land, a person could buy on credit at 6 percent interest. After making a small down payment, a settler could agree to pay off the debt within four years.

Harrison's Land Act made it easier for pioneers to come to Indiana Territory and settle on their own land. In 1804, another Land Act reduced the minimum land purchase to 160 acres. *Following is an excerpt from the Harrison Land Act (May 10, 1800).*

> . . . the lands . . . shall be offered for sale in sections and half sections. . . .
>
> One-fourth part of the purchase money shall be paid within forty days after the day of sale . . . another fourth part shall be paid within two years; another fourth part within three years; and another fourth part within four years after the day of sale.
>
> Interest, at the rate of six per cent a year, from the day of sale, shall be charged upon each of the three last payments. . . .

Indiana Moves to the Second Stage of Territorial Government, 1804

The 1787 Northwest Ordinance included three steps for moving from territorial status to statehood. In the first stage, the territory was governed directly by the federal government through appointed officials. Laws for the territory were made and enforced by the territorial governor and three judges.

Indiana was ready for the second stage of territorial government in 1804. According to the Northwest Ordinance, a territory had to have more than 5,000 free adult male inhabitants in order to be ready for the second stage of government. Indiana Territory met this requirement; so the voters could elect members to a territorial House of Representatives, which could participate in making laws for the people members represented.

Governor Harrison called for an election in 1804. Eligible voters were adult white males, who owned at least fifty acres of land. *Following is an excerpt from the Executive Journal that reports Governor Harrison's Proclamation, Decem-*

ber 5, 1804, that Indiana Territory had passed to the second stage of government.

> . . . the governor Issued a proclamation in which he makes known and Declares the said Indiana Territory is and from henceforth shall be deemed to have passed into the second or representative grade of Government and that the Good people of the Territory. . . are entitled to all the rights and privileges belonging to that situation. . . .
>
> . . . an Election shall be held in each of the several Counties in the Territory . . . for the purpose of choosing the members of the House of Representatives. . . . and that the said representatives Elected . . . should meet at the Town of Vincennes on the first day of February next for the purpose of choosing members for the Legislative Council. . . .

Acts Dividing Indiana Territory, 1805 and 1809

In 1805 the federal government passed a law that divided Indiana Territory into two parts. The area that would comprise most of the state of Michigan was separated from Indiana and called the Michigan Territory. Since 1803, Ohio had been a state of the Federal Union. The remainder of the area, which in 1787 was called the Northwest Territory, was part of Indiana Territory in 1805. This area included all of the land that would become the states of Indiana, Illinois, Wisconsin, and parts of Michigan and Minnesota.

In 1809, the federal government passed a law to create the Illinois Territory. This law reduced the Indiana Territory to the area that would become the state of Indiana in 1816 plus a small area that would later be part of Michigan. *Following is an excerpt from the Act Dividing the Indiana Territory, February 3, 1809.*

> Be it enacted That . . . all that part of the Indiana Territory which lies west of the Wabash river, and a direct line drawn from the said Wabash river and Post Vincennes, due north to the territorial line between the United States and Canada, shall, for the purpose of temporary government, constitute a separate Territory, and be called Illinois. . . .

Expansion of the Right to Vote, 1811

The 1787 Northwest Ordinance limited the right to vote to free white males of twenty-one years or more, who lived in the district, and who owned at least fifty acres of land in the district. The right to vote (suffrage) was extended to more people by federal laws made from 1808 to 1811. As of 1811, the right to vote in the Indiana Territory was given to any free white adult male who paid a small county or territorial tax. Voters were allowed to elect the territorial delegate to Congress and members of the territorial Legislative Council (upper house), who previously had been appointed by the Congress of the United States, as required by the 1787 Northwest Ordinance. *Following is an excerpt from the Suffrage Act, March 3, 1811.*

> Be it enacted. . . That each and every free white male person, who shall have attained the age of twenty-one years, and who shall have paid a county or Territorial tax, and who shall have resided one year in said Territory, previous to any general election, and be at the time of any such election a resident of said Territory, shall be entitled to vote for members of the Legislative Council and House of Representatives of the Territorial Legislature, and for a Delegate to the Congress of the United States for said Territory. . . .

Memorial for Statehood, 1815

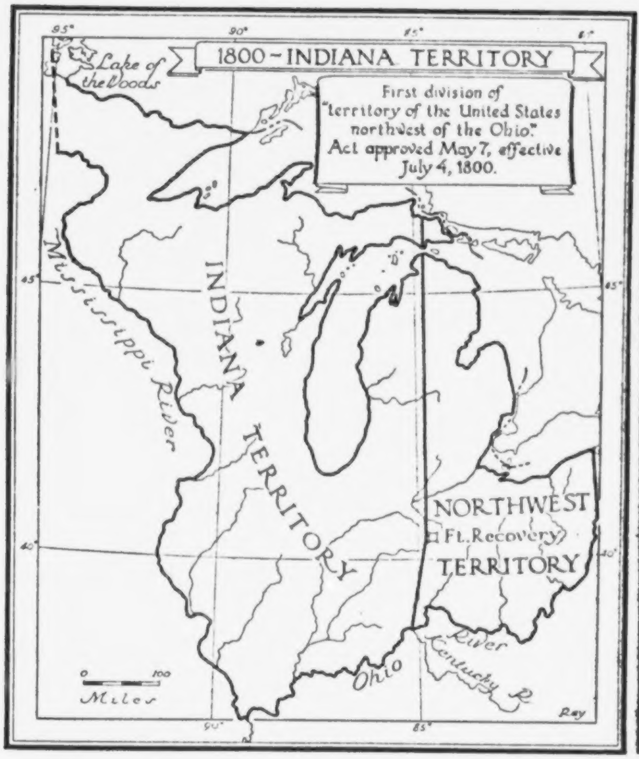
Indiana Territory had a population of more than 60,000 in 1815. According to the 1787 Northwest Ordinance, the territorial government had the right to petition for statehood whenever the territory had more than 60,000 inhabitants. *Following is an excerpt from the Memorial for Statehood, December 11, 1815.*

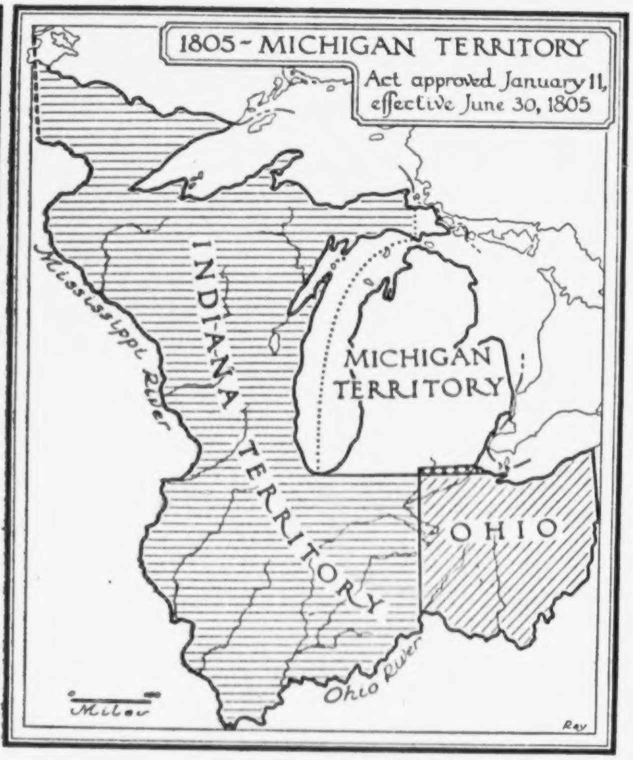
> . . . we . . . pray the Honorable Senate and House of Representatives, in congress assembled, to order an election, to be conducted agreeably to the existing laws of this Territory, to be held in the several counties of this Territory . . . for representatives to meet in convention. . . . the convention thus assembled shall have the power to form a constitution and frame of Government. . . .
>
> . . . we . . . express to the General government, our attachment to the fundamental principles of Legislation, prescribed by congress in [the Northwest Ordinance] particularly as respects personal freedom and involuntary servitude, and hope that they may be continued as the basis of our constitution.

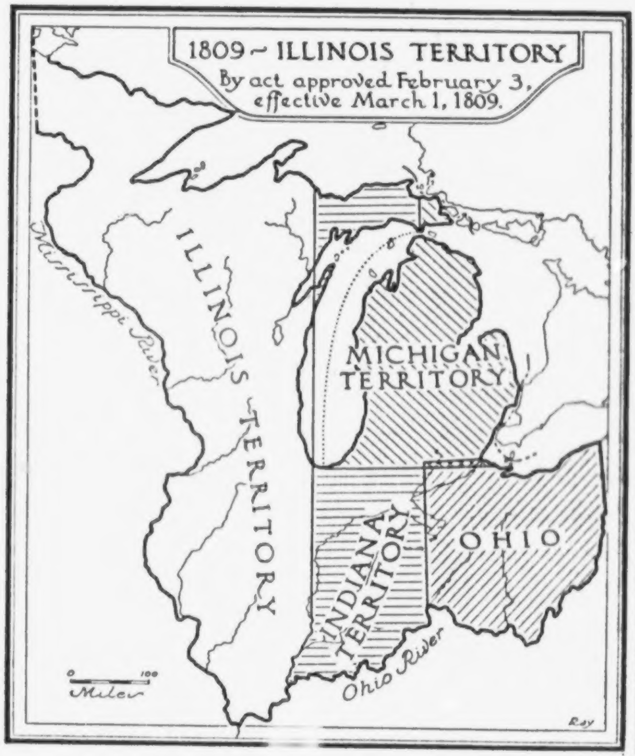
The Enabling Act, 1816

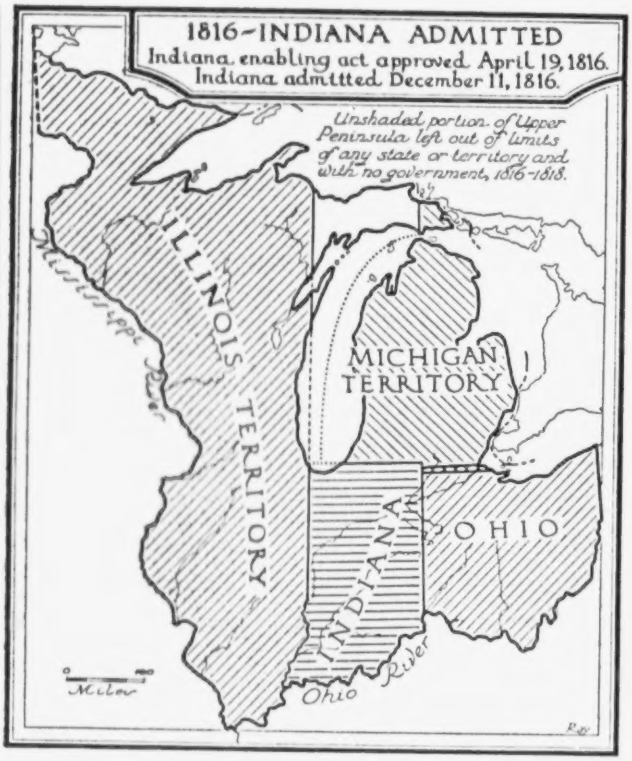
Committees in both houses of Congress studied the Indiana petition for statehood. An Enabling Act, to permit Indiana to hold a convention to write a state constitution, was passed by the House of Representatives and the Senate. President James Madison signed it on April 19, 1816. *Following is an excerpt from the Enabling Act.*

> . . . the inhabitants of the territory of Indiana . . . are hereby authorized to form for themselves a constitution and state government . . . and the said state, when formed, shall be admitted into the union upon the same footing with the original states, in all respects whatever. . . .
>
> . . . all male citizens of the United States, who shall have arrived at the age of twenty one years, and resided within the said territory, at least one year previous to the day of election, and shall have paid a county or territorial tax . . . are hereby authorized to choose representatives to form a convention . . . .
>
> . . . the convention shall be . . . authorized to form a constitution and state government. . . . That the same, whenever formed, shall be republican, and not repugnant to [the Northwest Ordinance] . . . .


1800-INDIANA TERRITORY
First division of "territory of the United States northwest of the Ohio." Act approved May 7, effective July 4, 1800.
95°
90°
85°
80°
45°
40°
Lake of the Woods
Mississippi River
INDIANA TERRITORY
NORTHWEST TERRITORY
Ft. Recovery
Ohio River
Kentucky R.
0 100 Miles
Ray


1805-MICHIGAN TERRITORY
Act approved January 11, effective June 30, 1805
Mississippi River
INDIANA TERRITORY
MICHIGAN TERRITORY
OHIO
Ohio River
0 100 Miles
Ray


1809-ILLINOIS TERRITORY
By act approved February 3, effective March 1, 1809.
Mississippi River
ILLINOIS TERRITORY
MICHIGAN TERRITORY
INDIANA TERRITORY
OHIO
Ohio River
0 100 Miles
Ray


1816-INDIANA ADMITTED
Indiana enabling act approved April 19, 1816.
Indiana admitted December 11, 1816.
Unshaded portion of Upper Peninsula left out of limits of any state or territory and with no government, 1816-1818.
Mississippi River
ILLINOIS TERRITORY
MICHIGAN TERRITORY
INDIANA
OHIO
Ohio River
0 100 Miles
Ray

From: R. Carlyle Buley, *The Old Northwest: Pioneer Period, 1815-1840* (Indianapolis: Indiana Historical Society, 1950).

Indiana's First Constitution and Resolution of Admission, 1816

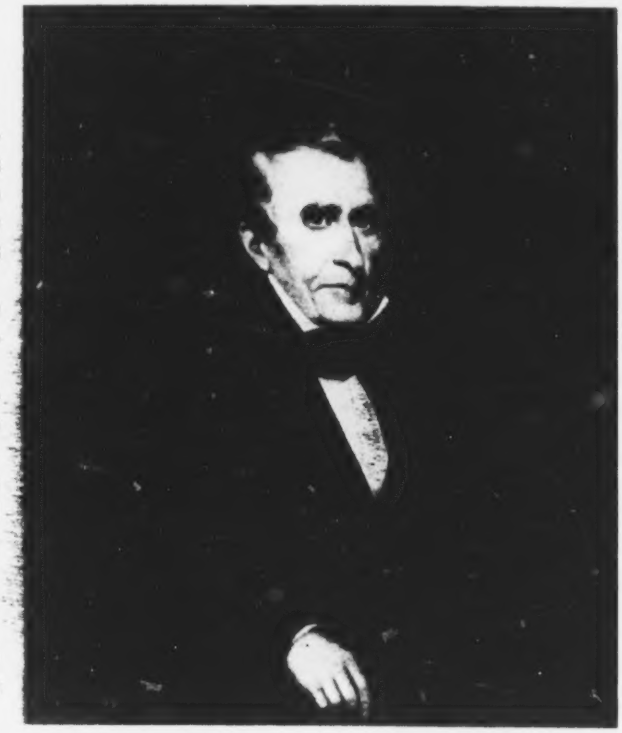
An Indiana Constitutional Convention met at Corydon on June 10, 1816. There were forty-three delegates. They finished their work by signing the Indiana Constitution on June 29, 1816. The Congress and president of the United States approved this work. On December 11, 1816, President James Madison approved the resolution of Congress to admit Indiana to the Federal Union. Indiana became the nineteenth state. *Following is an excerpt from the Resolution of Admission.*

> . . . the people of [Indiana] Territory did . . . by a convention called for that purpose, form for themselves a constitution and State government, which constitution and State government, so formed, is republican, and in conformity with the principles of the articles of compact [of the Northwest Ordinance]. . . .
>
> Resolved by the . . . Congress . . . That the State of Indiana shall be one . . . of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

Interpreting Primary Sources

Use evidence from the documents in this lesson to respond to the activities and questions that follow.

1. What is the main idea of each of the documents listed below?
   a. Harrison Land Act
   b. Suffrage Act
   c. Memorial for Statehood
   d. Enabling Act
   e. Resolution of Admission
2. Which of the following statements can be supported with evidence from the documents (primary sources) in this lesson? Be prepared to back up your responses by referring to evidence in preceding documents and commentaries about the documents.
   a. Indiana Territory moved directly from the first stage of territorial government to statehood.
   b. The Harrison Land Act made it more difficult for the Indiana Territory to achieve statehood.
   c. The federal government passed laws about suffrage in Indiana Territory that expanded the right to vote provided by the 1787 Northwest Ordinance.
   d. Indiana Territory in 1805 was about the same size as the state of Indiana today.
   e. Inhabitants of Indiana were supposed to enjoy civil liberties and rights provided by the 1787 Northwest Ordinance.
3. Write a brief essay in response to the following question. To what extent did Indiana's progress to statehood follow the rules set forth in the Northwest Ordinance? Identify and discuss examples of conformity to the Northwest Ordinance and examples of deviation from it. Make judgments about whether or not deviations from the Northwest Ordinance were beneficial or harmful to the people of Indiana.
4. Write a brief essay in response to this question: Does Indiana's progress to statehood show the value of the Northwest Ordinance in the development of the United States? Discuss weaknesses and strengths of the Northwest Ordinance as a means of government and of protecting the civil rights and liberties of the people.



William Henry Harrison by Barton Hays
Courtesy Robert Wallace and Indiana Historical Bureau

Teaching Plan for Lesson 9

Timetable of Main Events Associated with the Enactment and Application of the Northwest Ordinance

Preview of Main Points

This lesson is a "timetable of events" associated with the making of the Northwest Ordinance and its influence on achievement of statehood in Ohio, Indiana, Illinois, Michigan, and Wisconsin.

Curriculum Connection

This lesson is suitable for use in American history courses for junior high/middle schools or high schools.

Objectives

Students are expected to:

1. Demonstrate ability to use a timetable of events to locate facts.
2. Use a timetable to answer questions about the chronology of main events associated with the Northwest Ordinance.
3. Arrange major events in chronological order.
4. Match main events with the dates of those events.
5. Interpret facts presented in a timetable in order to construct explanations about the relationships of events associated with the making of the Northwest Ordinance.

Suggestions for Teaching the Lesson

Opening the Lesson. This lesson might be used as an overview to a textbook section on the Northwest Ordinance, which will be included in the textbook chapter on the Constitutional Convention. If so, ask students to read the events in the timetable and to raise questions about the making of the Northwest Ordinance, its relationship to events in the making of the Constitution, and its influence on national development in the United States. Questions raised in this classroom discussion might be answered by the textbook chapter, which would be read after discussing this timetable.

This lesson might be used also as a review of material covered in a textbook chapter about the Northwest Ordinance and the making of the Constitution of the United States. If so, ask students to read the events in the timetable and to use the listing as an aid to summarizing and reviewing material covered in the textbook chapter.

Developing the Lesson. Have students use the timetable to complete Activities 1 and 2 at the end of the lesson. The activities are (1) Arranging Facts in Chronological Order, and (2) Matching Activity.

Discuss correct answers with students. The answers are at the end of the lesson plan.

Concluding the Lesson. Have students complete the third and fourth activities at the end of the lesson.

Discuss items in activity 4 with students. This final activity involves interpretive and speculative responses. There may be reasonable differences in the answers of students. Probe for reasons in support of responses.

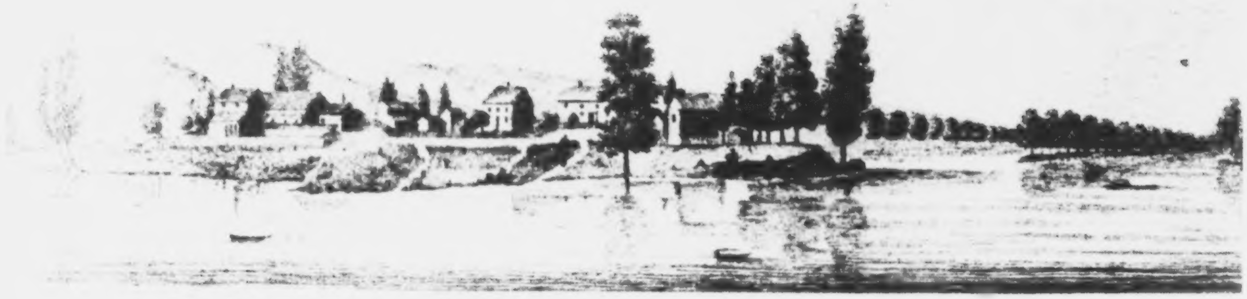
Answers to Activities

1. Events below are listed in chronological order.

   Signing of the Treaty of Paris
   Virginia Act of Cession
   Meeting of the Annapolis Convention
   Passage of the Northwest Ordinance
   Conclusion of the Constitutional Convention in Philadelphia
   Ratification of the Constitution of the United States
   Bill of Rights added to the United States Constitution
   Establishment of the Indiana Territory
   Creation of the state of Ohio
   Conclusion of the Constitutional Convention at Corydon, Indiana
   Indiana became the nineteenth state of the United States
   Creation of the state of Wisconsin

2. Answers to Matching Activity: Roman numerals are those from List A that belong in the spaces of List B.

   (1) VI
   (2) VIII
   (3) VII
   (4) III
   (5) I
   (6) IV
   (7) II
   (8) V
   (9) X
   (10) IX



VIEW OF MARIETTA on the banks of the Ohio

Courtesy Indiana Historical Society

Lesson 9

Timetable of Main Events Associated with the Enactment and Application of the Northwest Ordinance

Main events associated with the Northwest Ordinance appear below in chronological order. This list includes three parts: (1) events preceding 1787, (2) events of 1787 (when the Northwest Ordinance was passed) until 1791, and (3) events from 1800 to 1858.

I. Events Preceding 1787

A. **January 2, 1778.** Governor Patrick Henry of Virginia wrote to Colonel George Rogers Clark to instruct him in a mission to Kentucky and lands north and west of the Ohio River. By carrying out this mission, Clark and his men kept the British from occupying Kentucky during the American War of Independence and enabled the United States to claim land north and west of the Ohio River at the end of the war.

B. **July 4, 1778.** American forces led by George Rogers Clark captured the British garrison at Kaskaskia in the Illinois country (at the junction of the Mississippi and Kaskaskia rivers).

C. **February 25, 1779.** American forces led by George Rogers Clark took Vincennes and Fort Sackville (at the junction of the Ohio and Wabash rivers) from the British.

D. **October 10, 1780.** The Continental Congress passed a "Resolution on Public Lands" saying that land ceded to the United States by particular states would be settled and formed eventually into separate states.

E. **March 1, 1781.** All thirteen states of the United States of America ratified (approved) the Articles of Confederation, the first constitution of the new country.

F. **September 3, 1783.** The United States and Great Britain signed the Treaty of Paris, officially ending the War of Independence. The British government recognized the sovereignty (independence) of the United States, and the Treaty established the boundaries of the new nation.

G. **December 20, 1783.** The legislature of Virginia passed the Virginia Act of Cession, which yielded the state's claims to lands in the western part of the country to the United States.

H. **March 1, 1784.** The United States Congress accepted the Virginia Act of Cession.

I. **April 23, 1784.** . Congress approved the Territorial Ordinance of 1784, written by Thomas Jefferson, to serve as a plan for temporary government of the western territories. Although it was never put into effect, this plan influenced the content of the 1787 Northwest Ordinance.

J. **May 20, 1785.** Congress passed the Land Ordinance of 1785, which was a plan for dividing and selling land in the western territories.

K. **May 9, 1786.** A committee of Congress, headed by James Monroe of Virginia, made a report about a plan for governance of the Northwest Territory that would be the basis for the subsequent Ordinance of 1787.

L. **September 11-14, 1786.** The Annapolis Convention was held. Delegates from five states—New York, New Jersey, Delaware, Pennsylvania, and Virginia—attended this meeting in Annapolis, Maryland. The convention issued a report that called upon the thirteen states to send representatives to a new convention to be held in Philadelphia in May, 1787, for the purpose of revising the Articles of Confederation.

M. **September 18, 1786.** Monroe's committee on government in the Northwest Territory was reorganized; William Johnson of Connecticut became chairman, and Nathan Dane of Massachusetts joined the committee. Dane made important contributions to the Ordinance of 1787 and was the compiler of the final draft of the ordinance.

II. Events of 1787 to 1791

A. **February 21, 1787.** Congress approved a convention in Philadelphia to revise the Articles of Confederation.

B. **May 25, 1787.** A quorum of delegates from seven states arrived in Philadelphia to start the meeting known as the Constitutional Convention.

C. **July 13, 1787.** While the Constitutional Convention met in Philadelphia, the Congress of the Confederation enacted the Northwest Ordinance, which was a plan for governing the territory north and west of the Ohio River. Freedom of religion, right to trial by jury, and public education were asserted as rights of the people. Slavery was banned.

D. **September 17, 1787.** Each of the twelve state delegations voted to approve the final copy of the Constitution, which had been written by participants in the Constitutional Convention at Philadelphia. The Convention ended.

E. **September 20, 1787.** Congress received the proposed Constitution from the Philadelphia Convention.

F. **September 28, 1787.** Congress voted to send the Constitution to the legislature of each state. Congress asked each state to hold a special convention, which would either ratify (approve) or reject the Constitution.

G. **October 5, 1787.** Congress selected a governor and other officers for the Northwest Territory according to the terms of the Ordinance of 1787. The first governor was Arthur St. Clair.

H. **April 7, 1788.** Veterans of the War of Independence founded Marietta, at the confluence of the Ohio and Muskingam rivers. This was the first permanent settlement of the Northwest Territory after it was organized under the Ordinance of 1787.

I. **June 21, 1788.** New Hampshire was the ninth state to ratify the Constitution. According to Article VII of the Constitution, nine states had to ratify the Constitution to make it the law of the land.

J. **April 1, 1789.** The House of Representatives, elected under the new Constitution, was organized, with thirty of its fifty-nine members present.

K. **April 6, 1789.** The Senate met, with nine of its twenty-two members present. As required by the Constitution, senators counted ballots that had been cast by presidential electors and declared George Washington first president of the United States.

L. **April 30, 1789.** George Washington was inaugurated as first president of the United States under the Constitution of 1787.

M. **September 25, 1789.** Congress approved twelve proposed amendments to the Constitution, which would provide certain civil liberties and rights to the people.

N. **December 15, 1791.** Virginia was the eleventh state to ratify ten of the constitutional amendments proposed by Congress. Three fourths of the states had now approved them, as required by Article V of the Constitution. These ten amendments are known as the Bill of Rights.

III. Events of 1800 to 1858

A. **May 7, 1800.** A law was enacted by the federal government that established the Indiana Territory.

B. **February 19, 1803.** Ohio became the first state formed from the Northwest Territory. Ohio entered the Federal Union as the seventeenth state.

C. **December 5, 1804.** Governor Harrison proclaimed that the Indiana Territory had advanced to the "second or representative grade of Government" under provisions of the Northwest Ordinance.

D. **January 11, 1805.** An act of Congress created the Territory of Michigan.

E. **February 3, 1809.** An act of Congress created the Territory of Illinois.

F. **December 11, 1815.** A petition for statehood was approved by the Indiana legislature and sent to the Congress of the United States. The petition claimed that Indiana Territory had met conditions required for statehood established by the Northwest Ordinance.

G. **April 19, 1816.** The federal government passed an Enabling Act that provided for election of delegates to a convention to write a constitution for state government in Indiana.

H. **June 10, 1816.** Delegates assembled at Corydon to write a constitution for state government in Indiana.

I. **June 29, 1816.** Delegates to the Indiana Constitutional Convention signed the new constitution.

J. **December 11, 1816.** James Madison, president of the United States, approved a resolution by Congress admitting Indiana to the Federal Union as the nineteenth state.

K. **December 3, 1818.** Illinois was admitted to the Federal Union as the twenty-first state.

L. **April 20, 1836.** An act of Congress created the Territory of Wisconsin.

M. **January 22, 1837.** Michigan was admitted to the Federal Union as the twenty-sixth state.

N. **May 29, 1848.** Wisconsin was admitted to the Federal Union as the thirtieth state.

O. **May 11, 1858.** Minnesota became the thirty-second state. A portion of the state, east of the Mississippi River, had been part of the original Northwest Territory.

Using Facts in the Timetable

1. **Arranging Facts in Chronological Order.** The items in the list below are NOT in chronological order. Rearrange these items and write them in correct chronological order (the order in which they happened) on a separate piece of paper.

Scrambled List of Ten Events

a. Ratification of the Constitution of the United States
b. Signing of the Treaty of Paris
c. Establishment of the Indiana Territory
d. Virginia Act of Cession
e. Passage of the Northwest Ordinance
f. Indiana became a state of the United States.
g. The Bill of Rights was added to the United States Constitution.
h. Meeting of the Annapolis Convention
i. Conclusion of the Constitutional Convention in Philadelphia
j. Conclusion of the Constitutional Convention in Corydon
k. The state of Ohio was created.
l. The state of Wisconsin was created.

2. **Matching Activity.** Match the dates in LIST A with the correct events in LIST B. Write the Roman numeral corresponding to each date in LIST A in the correct space next to an event in LIST B.

LIST A

I September 3, 1783
II May 7, 1800
III December 15, 1791
IV December 11, 1816
V September 17, 1787
VI September 11, 1786
VII July 13, 1787
VIII June 21, 1788
IX June 29, 1816
X December 20, 1783

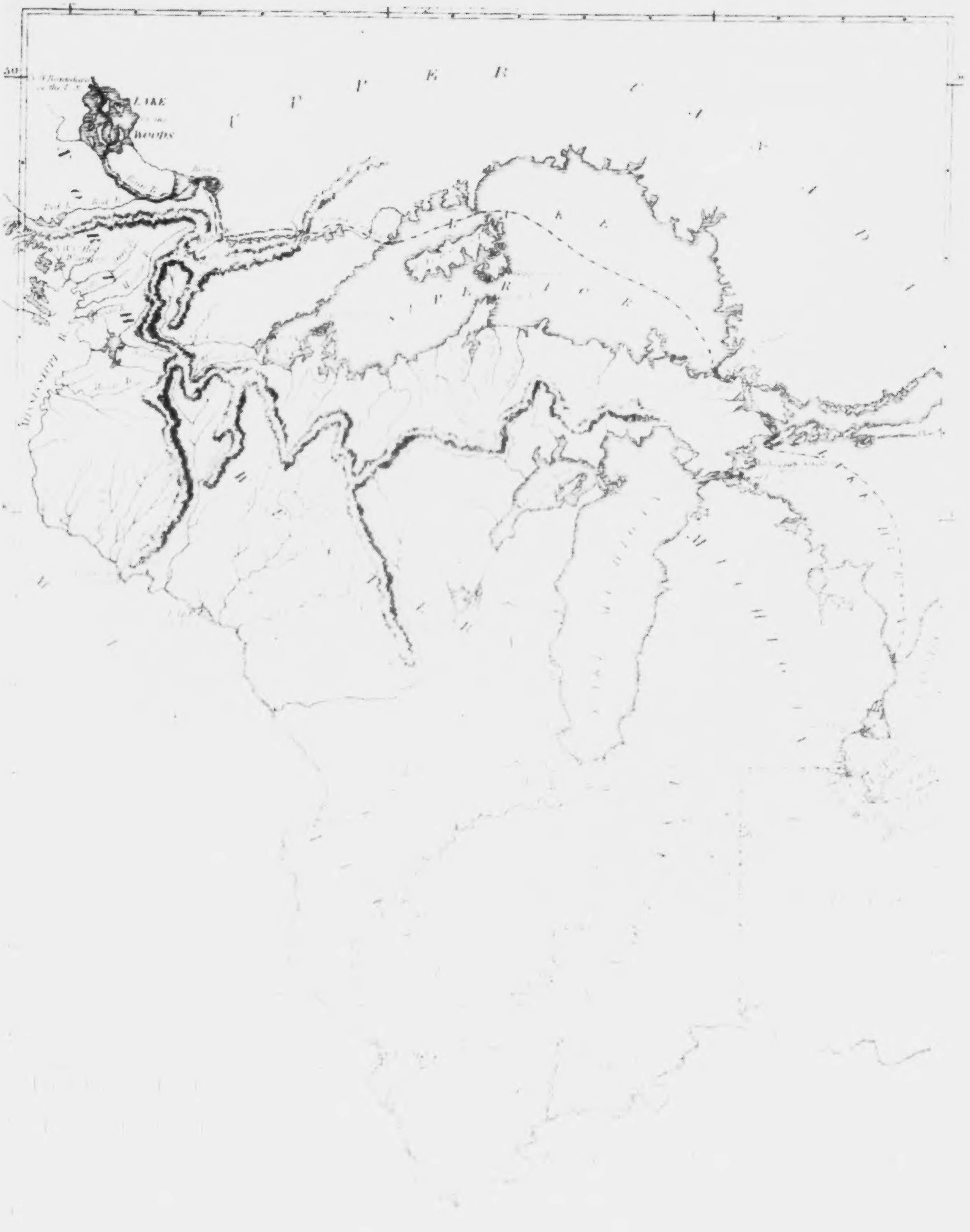
LIST B

___(1) The Annapolis Convention
___(2) Ratification of the U.S. Constitution
___(3) Passage of the Northwest Ordinance
___(4) Ratification of the federal Bill of Rights
___(5) Signing of the Treaty of Paris
___(6) Indiana achieved statehood.
___(7) Indiana Territory established
___(8) Conclusion of the convention that wrote the Constitution of the United States
___(9) Virginia Act of Cession
___(10) Conclusion of the convention that produced Indiana's first constitution

3. List five states formed from the Northwest Territory and arrange them in the order by which they entered the Union. When did each of these states enter the Federal Union?

4. **Interpreting Facts in a Timetable.** Refer to facts in the Timetable to respond to the items below.

a. Identify three events that had a major influence on the content of the Northwest Ordinance.
b. Identify three events that indicate how the Northwest Ordinance affected the achievement of statehood in Indiana.
c. Which five events in the Timetable are the most important or significant events in the early history of the United States? List these events in chronological order. Explain your choices.


LAKE
of the
WOODS

Upper Territories of the United States, 1816
By F. Lucas, Baltimore and Philadelphia, 1817. Courtesy Indiana Historical Society.

Appendix

Documents

This Appendix includes fifteen documents that are used, in abridged form, in the lessons of this volume. The documents are listed below.

1. Clark's Letter of Instruction, 1778 53
2. Resolution of Congress on Public Lands, 1780 54
3. Treaty of Paris, 1783 55
4. Virginia Act of Cession, 1783 57
5. Ordinance of 1784 59
6. Land Ordinance of 1785 61
7. The Northwest Ordinance, 1787 65
8. Act Creating Indiana Territory, 1800 69
9. Harrison Land Act, 1800 70
10. Proclamation: Announcing That Indiana Territory Had Passed to the Second Grade, 1804 75
11. Act Dividing Indiana Territory, 1805 76
12. Act Dividing Indiana Territory, 1809 77
13. Indiana Suffrage Act, 1811 78
14. Memorial for Indiana Statehood, 1815 79
15. Indiana Enabling Act, 1816 81

Document 1

Clark's Letter of Instruction, 1778

From: Indiana Historical Society Publications, Volume 1, Number 1. *Proceedings of the Indiana Historical Society, 1830-1886* (Indianapolis: The Bowen-Merrill Co., 1897).

IN COUNCIL, W^{ms}BURG, Jany. 2^{d}. 1778.

Lieu. Colonel George Rogers Clark:

You are to proceed with all convenient speed to raise seven companies of soldiers to consist of fifty men each, officered in the usual manner & armed most properly for the Enterprize, & with this Force attack the British post at Kaskasky.

It is conjectured that there are many pieces of cannon & military stores to considerable amount at that place, the taking and preservation of which would be a valuable acquisition to the state. If you are so fortunate therefore as to succeed in your Expedition, you will take every possible Measure to secure the artillery & stores & whatever may advantage the state.

For the Transportation of the Troops, provisions, &c., down the Ohio, you are to apply to the Commanding officer at Fort Pitt for Boats, & during the whole Transaction you are to take especial care to keep the true Destination of your Force secret. Its success depends upon this. Orders are therefore given to Capt^{n} Smith to secure the two men from Kaskasky. Similar conduct will be proper in similar cases. It is earnestly desired that you show Humanity to such British subjects and other persons as fall in your hands. If the white Inhabitants of that post & the neighbourhood will give undoubted Evidence of their attachment to this State (for it is certain they live within its limits) by taking the Test prescribed by Law & by every other way & means in their power, Let them be treated as fellow citizens & their persons & property duly secured. Assistance & protection against all Enemies whatever shall be afforded them & the Commonwealth of Virginia is pledged to accomplish it. But if these people will not accede to these reasonable Demands they must feel the miseries of war under the direction of that Humanity that has hitherto distinguished Americans & which it is expected you will ever consider as the Rule of your Conduct & from which you are in no instance to depart.

The Corps you are to command are to receive the pay & allowance of Militia & to act under the Laws & Regulations of this state now in force. The Inhabitants at this Post will be informed by you that in case they accede to the offers of becoming Citizens of this Commonwealth a proper garrison will be maintained among them & every attention bestowed to render their commerce beneficial, the fairest prospects being opened to the Dominions of both France & Spain.

It is in contemplation to establish a post near the Mouth of Ohio. Cannon will be wanted to fortify it. Part of those at Kaskasky will be easily brought thither or otherwise secured as circumstances will make necessary.

You are to apply to General Hand for powder & lead necessary for this Expedition. If he can't supply it the person who has that which Capt. Lynn bro^{t} from Orleans can. Lead was sent to Hampshire by my orders & that may be delivered you. Wishing you success, I am

Sir,
Your hble. ser.,
P. HENRY.

Document 2

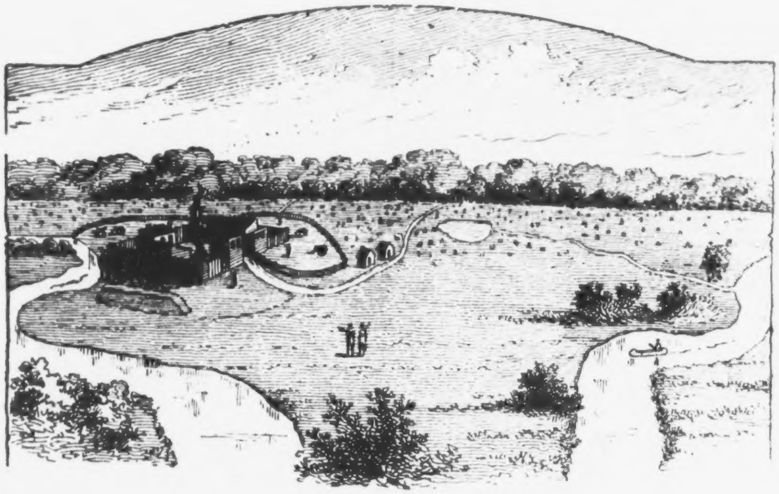
Resolution of Congress on Public Lands, 1780

From: Worthington C. Ford, *et al.*, eds., *Journals of the Continental Congress, 1774-1789* (34 vols., Washington, D. C., 1910), 18:915.

Resolved, that the unappropriated lands that may be ceded or relinquished to the United States, by any particular States, pursuant to the recommendation of Congress on the 6 day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union, and shall have the same rights of sovereignty, freedom and independence, as the other States; that each State which shall be so formed shall contain a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstance will admit;

That the necessary and reasonable expences which any particular State shall have incurred since the commencement of the present war, in subduing any of the British posts, or in maintaining forts or garrisons within and for the defence, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed;

That the said lands shall be granted and settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them.



Fort Wayne in 1794
Courtesy Indiana Historical Society

Document 3

Treaty of Paris, 1783

From: Forrest McDonald and Ellen Shapiro McDonald, *Confederation and Constitution, 1781-1789* (Columbia, S. C.: University of South Carolina Press, 1968), 29-32.

[Article 1 recognizes the independence of the United States.]

[Article 2 defines the boundaries of the United States: the Atlantic on the east, the Mississippi on the west, approximately the present boundary on the north, and the 31st parallel—which excluded Florida and New Orleans—on the south.]

ARTICLE 3

It is agreed that the People of the United States shall continue to enjoy unmolested the Right to take Fish of every kind on the Grand Bank and on all the other Banks of New-foundland, also in the Gulph of St. Lawrence, and at all other Places in the Sea where the Inhabitants of both Countries used at any time heretofore to fish. And also that the Inhabitants of the United States shall have Liberty to take Fish of every Kind on such Part of the Coast of New-foundland as British Fishermen shall use, (but not to dry or cure the same on that Island) And also on the Coasts Bays & Creeks of all other of his Britannic Majesty's Dominions in America, and that the American Fishermen shall have Liberty to dry and cure Fish in any of the unsettled Bays Harbours and Creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled but so soon as the same or either of them shall be settled, it shall not be lawful for the said Fishermen to dry or cure Fish at such Settlement, without a previous Agreement for that purpose with the Inhabitants, Proprietors or Possessors of the Ground.

ARTICLE 4

It is agreed that Creditors on either Side shall meet with no lawful Impediment to the Recovery of the full Value in Sterling Money of all bona fide Debts heretofore contracted.

ARTICLE 5

It is agreed that the Congress shall earnestly recommend it to the Legislatures of the respective States to provide for the Restitution of all Estates, Rights and Properties which have been confiscated belonging to real British Subjects; and also of the Estates Rights and Properties of Persons resident in Districts in the Possession of his Majesty's Arms, and have not borne Arms against the said United States. And that Persons of any other Description shall have free Liberty to go to any Part or Parts of any of the thirteen United States and therein to remain twelve Months unmolested in their Endeavours to obtain the Restitution of such of their Estates Rights & Properties as may have been confiscated. And that Congress shall also earnestly recommend to the several States, a Reconsideration and Revision of all Acts or Laws regarding the Premises, so as to render the said Laws or Acts perfectly consistent, not only with Justice and Equity, but with that Spirit of Conciliation, which, on the Return of the Blessings of Peace should universally prevail. And that Congress shall also earnestly recommend to the several States, that the Estates, Rights and Properties of such last mentioned Persons shall be restored to them, they refunding to any Persons who may be now in Possession, the Bona fide Price (where any has been given) which such Persons may have paid on purchasing any of the said Lands, Rights or Properties, since the Confiscation.

And it is agreed that all Persons who have any Interest in confiscated Lands, either by Debts, Marriage Settlements, or otherwise, shall meet with no lawful Impediment in the Prosecution of their just Rights.

ARTICLE 6

That there shall be no future Confiscations made nor any Prosecutions commenc'd against any Person or Persons for or by Reason of the Part, which he or they may have taken in the present War, and that no Person shall on that Account suffer any future Loss or Damage, either in his Person Liberty or Property; and that those who may be in Confinement on such Charges at the Time of the Ratification of the Treaty in America shall be immediately set at Liberty, and the Prosecutions so commenced be discontinued.

ARTICLE 7

There shall be a firm and perpetual Peace between his Britannic Majesty and the said States and between the Subjects of the one, and the Citizens of the other, wherefore all Hostilities both by Sea and Land shall from henceforth cease: All Prisoners on both Sides shall be set at Liberty, and his

Britannic Majesty shall with all convenient speed, and without causing any Destruction, or carrying away any Negroes or other Property of the American Inhabitants, withdraw all his Armies, Garrisons & Fleets from the said United States, and from every Port, Place and Harbour within the same; leaving in all Fortifications the American Artillery that may be therein: And shall also Order & cause all Archives, Records, Deeds & Papers belonging to any of the said States, or their Citizens, which in the Course of the War may have fallen into the Hands of his Officers, to be forthwith restored and deliver'd to the proper States and Persons to whom they belong.

ARTICLE 8

The Navigation of the River Mississippi, from its source to the Ocean shall for ever remain free and open to the Subjects of Great Britain and the Citizens of the United States.

ARTICLE 9

In Case it should so happen that any Place or Territory belonging to great Britain or to the United States should have been conquer'd by the Arms of either from the other before the Arrival of the said Provisional Articles in America it is agreed that the same shall be restored without Difficulty and without requiring any Compensation.

ARTICLE 10

The solemn Ratifications of the present Treaty expedited in good & due Form shall be exchanged between the contracting Parties in the Space of Six Months or sooner if possible to be computed from the Day of the Signature of the present Treaty. In Witness whereof we the undersigned their Ministers Plenipotentiary have in their Name and in Virtue of our Full Powers signed with our Hands the present Definitive Treaty, and caused the Seals of our Arms to be affix'd thereto.

Benjamin Franklin
Franklin was one of the United States ministers who negotiated the Treaty of Paris. Courtesy Indiana Historical Society.

Document 4

Virginia Act of Cession, 1783

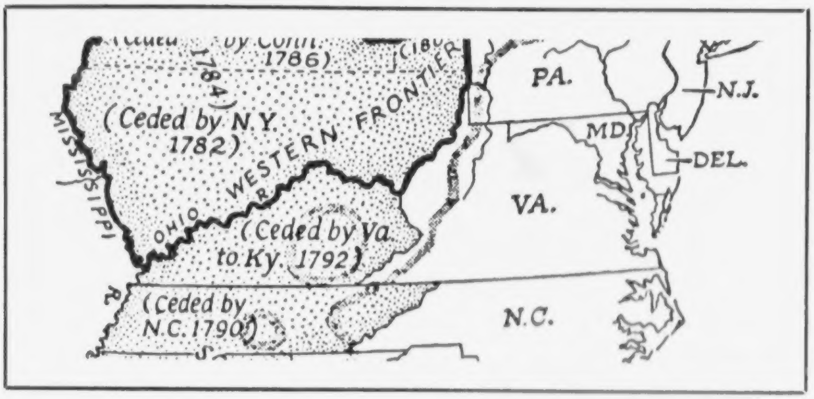
From: Hubert H. Hawkins, compiler, *Indiana's Road to Statehood* (Indianapolis: Indiana Historical Bureau, 1969).

To all who shall see these presents, we Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe the underwritten delegates for the Commonwealth in Virginia, in the Congress of the United States of America, send Greeting:

Whereas the general assembly of the Commonwealth of Virginia at their sessions begun on the 20th day of October, 1783, passed an act, entitled "An Act to authorize the delegates of this State in Congress to convey to the United States in Congress assembled, all the right of this commonwealth, to the territory northwestward of the river Ohio." in these words following to wit:

"Whereas the Congress of the United States did, by their act of the sixth day of September in the year 1780, recommend to the several states in the Union, having claims to waste and unappropriated lands in the western country, a liberal cession to the United States, of a portion of their respective claims for the common benefit of the Union: and whereas this Commonwealth did, on the 2d day of January, in the year 1781, yield to the Congress of the United States, for the benefit of the said states, all right, title and claim which the said Commonwealth had to the territory northwest of the river Ohio, subject to the conditions annexed to the said act of cession. And whereas the United States in Congress assembled, have, by their act of the 13th of September last, stipulated the terms on which they agree to accept the cession of this State, should the legislature approve thereof, which terms, although they do not come fully up to the propositions of this Commonwealth, are conceived on the whole, to approach so nearly to them, as to induce this State to accept thereof, in full confidence, that Congress will in justice to this State, for the liberal cession she hath made, earnestly press upon the other states claiming large tracts of waste and uncultivated territory, the propriety of making cessions, equally liberal, for the common benefit and support of the union. Be it enacted by the General Assembly, that it shall and may be lawful for the delegates of this State, to the Congress of the United States, or such of them as shall be assembled in Congress, and the said delegates, or such of them so assembled, are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instrument in writing, under their hands and seals, to convey, transfer, assign and make over unto the United States in Congress assembled, for the benefit of the said states, all right, title and claim, as well of soil as jurisdiction, which this Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying and being to the northwest of the river Ohio, subject to the terms and conditions contained in the before recited act of Congress, of the 13th day of September last; that is to say, upon condition that the territory so ceded, shall be laid out and formed into states, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; and that the states so formed, shall be distinct republican states, and admitted members of the federal union; having the same rights of sovereignty, freedom and independence, as the other states. That the necessary and reasonable expences incurred by this State, in subduing any British posts, or in maintaining forts or garrisons within, and for the defence, or in acquiring any part of the territory so ceded or relinquished, shall be fully reimbursed by the United States: and that one commissioner shall be appointed by Congress, one by this Commonwealth, and another by those two commissioners, who, or a majority of them, shall be authorized and empowered to adjust and liquidate the account of the necessary and reasonable expences incurred by this State, which they shall judge to be comprised within the intent and meaning of the act of Congress, of the 10th of October, 1780, respecting such expences. That the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents, and the neighboring villages who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this State, shall be allowed and granted to the then Colonel, now General George Rogers Clark, and to the officers and soldiers of his regiment, who marched with him when the posts of Kaskaskies and St. Vincents were reduced, and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place on the northwest side of the Ohio, as a majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion, according to the laws of Virginia. That in case the quantity of good lands on the southeast side of the Ohio, upon the waters of Cumberland river, and between the Green river and Tennessee river, which have been reserved by law for the Virginia Troops upon continental establishment, should, from the North Carolina line, bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops, in good lands, to be laid off between the rivers Scioto, and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia. That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States, as have become or shall become members of the confederation or federal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever. Provided that the trust hereby reposed in the delegates of this State, shall not be executed, unless three of them at least are present in Congress."

And whereas the said general assembly, by their resolution of June 6th, 1783, had constituted and appointed us the said Thomas Jefferson, Samuel Hardy, Authur Lee, and James Monroe, delegates to represent the said Commonwealth in Congress for one year, from the first Monday in November then next following, which resolution remains in full force: Now therefore know ye that we the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, by virtue of the power and authority committed to us by the act of the said general assembly of Virginia before recited, and in the name, and for and on behalf of the said Commonwealth, do by these presents convey, transfer, assign, and make over unto the United States in Congress Assembled, for the benefit of the said states, Virginia inclusive, all right, title and claim, as well of soil as of jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying and being to the northwest of the river Ohio, to and for the uses and purposes, and on the conditions of the said recited act. In testimony whereof, we have hereunto subscribed our names and affixed our seals, in Congress, the [first] day of [March] in the year of our Lord one thousand and seven hundred and eight-four, and of the independence of the United States the eight."



Adapted from Catherine Drinker Bowen, *Miracle at Philadelphia: The Story of the Constitutional Convention, May to September, 1787* (Boston: Little, Brown, 1966).

Document 5

Ordinance of 1784

From: *The Annals of America* (Chicago: Encyclopedia Britannica, Inc., 1968), 1-2.

Resolved, that so much of the territory ceded or to be ceded by individual states to the United States as is already purchased or shall be purchased of the Indian inhabitants and offered for sale by Congress, shall be divided into distinct states, in the following manner, as nearly as such cessions will admit; that is to say, by parallels of latitude, so that each state shall comprehend from north to south two degrees of latitude, beginning to count from the completion of 45° north of the equator; and by meridians of longitude, one of which shall pass through the lowest point of the rapids of Ohio, and the other through the western cape of the mouth of the Great Kanawha. But the territory eastward of this last meridian, between the Ohio, Lake Erie, and Pennsylvania shall be one state whatsoever may be its comprehension of latitude. That which may lie beyond the completion of the 45th degree between the said meridians shall make part of the state adjoining it on the south; and that part of the Ohio which is between the same meridians coinciding nearly with the parallel of 39° shall be substituted so far in lieu of that parallel as a boundary line.

That the settlers on any territory so purchased and offered for sale shall, either on their own petition, or on the order of Congress, receive authority from them with appointments of time and place for their free males of full age within the limits of their state to meet together for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of the original states, so that such laws nevertheless shall be subject to alteration by their ordinary legislature; and to erect, subject to a like alteration, counties, townships . . . for the election of members for their legislature.

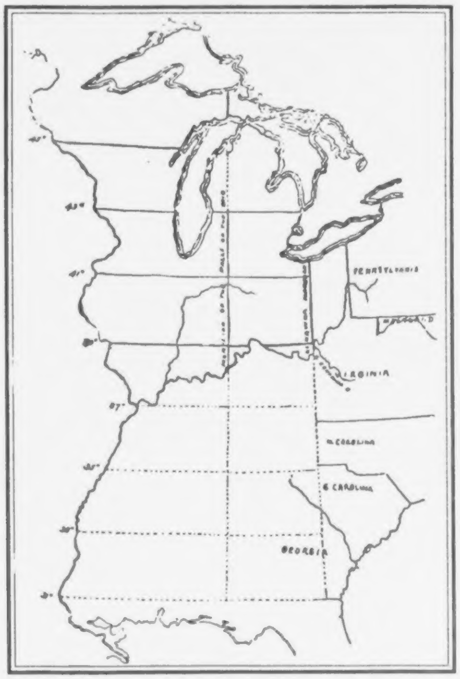
That when any such state shall have acquired 20,000 free inhabitants, on giving due proof thereof to Congress, they shall receive from them authority with appointments of time and place to call a convention of representatives to establish a permanent constitution and government for themselves, provided that both the temporary and permanent governments be established on these principles as their basis:

First, that they shall forever remain a part of this confederacy of the United States of America. Second, that they shall be subject to the Articles of Confederation in all those cases in which the original states shall be so subject and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. Third, that they shall in no case interfere with the primary disposal of the soil by the United States in Congress assembled, nor with the ordinances and regulations which Congress may find necessary for securing the title in such soil to the bona fide purchasers. Fourth, that they shall be subject to pay a part of the federal debts contracted or to be contracted, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states. Fifth, that no tax shall be imposed on lands, the property of the United States. Sixth, that their respective governments shall be republican. Seventh, that the lands of nonresident proprietors shall in no case be taxed higher than those of residents within any new state before the admission thereof to a vote by its delegates in Congress.

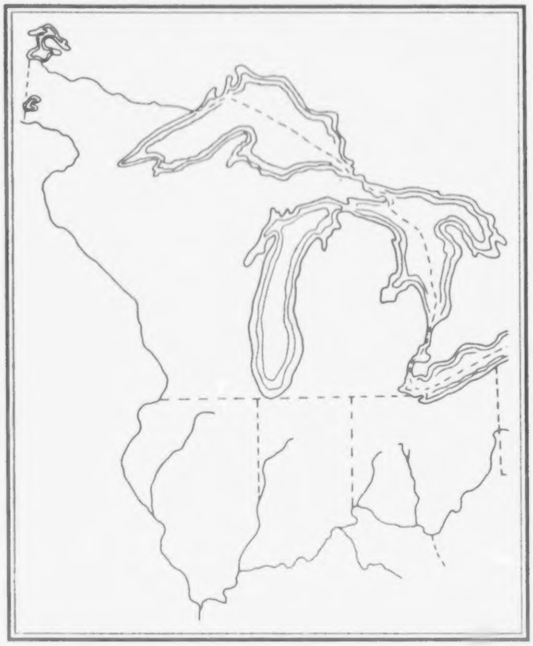
That whensoever any of the said states shall have, of free inhabitants, as many as shall then be in any one the least numerous of the thirteen original states, such state shall be admitted by its delegates into the Congress of the United States on an equal footing with the said original states; provided the consent of so many states in Congress is first obtained as may at the time be competent to such admission. And in order to adapt the said Articles of Confederation to the state of Congress when its numbers shall be thus increased, it shall be proposed to the legislatures of the states, originally parties thereto, to require the assent of two-thirds of the United States in Congress assembled in all those cases wherein, by the said Articles, the assent of nine states is now required; which being agreed to by them shall be binding on the new states. Until such admission by their delegates into Congress, any of the said states after the establishment of their temporary government shall have authority to keep a member in Congress, with a right of debating, but not of voting.

That measures not inconsistent with the principles of the confederation and necessary for the preservation of peace and good order among the settlers in any of the said new states until they shall assume a temporary government as aforesaid, may from time to time be taken by the United States in Congress assembled.

That the preceding articles shall be formed into a charter of compact, shall be duly executed by the President of the United States in Congress assembled, under his hand and the seal of the United States, shall be promulgated and shall stand as fundamental constitutions between the thirteen original states and each of the several states now newly described, unalterable . . . but by the joint consent of the United States in Congress assembled, and of the particular state within which such alteration is proposed to be made.



Division of the West in the Ordinance of 1784
From: Jay A. Barrett, *Evolution of the Ordinance of 1787* (New York: G. P. Putnam's Sons, 1891).



The Northwest Territory as Divided by
the Northwest Ordinance
From: Peter S. Onuf, "From Constitution to Higher Law: The Reinterpretation of the Northwest Ordinance," *Ohio History* (1985), 94:6.

Document 6

Land Ordinance of 1785

From: Hubert H. Hawkins, compiler, *Indiana's Road to Statehood* (Indianapolis: Indiana Historical Bureau, 1969).

An Ordinance for ascertaining the mode of disposing of Lands in the Western Territory.

Be it ordained by the United States in Congress assembled, that the territory ceded by individual States to the United States, which has been purchased of the Indian inhabitants, shall be disposed of in the following manner:

A surveyor from each state shall be appointed by Congress, or a committee of the States, who shall take an Oath for the faithful discharge of his duty, before the Geographer of the United States, who is hereby empowered and directed to administer the same; and the like oath shall be administered to each chain carrier, by the surveyor under whom he acts.

The Geographer, under whose direction the surveyors shall act, shall occasionally form such regulations for their conduct, as he shall deem necessary; and shall have authority to suspend them for misconduct in Office, and shall make report of the same to Congress or to the Committee of the States; and he shall make report in case of sickness, death, or resignation of any surveyor.

The Surveyors, as they are respectively qualified, shall proceed to divide the said territory into townships of six miles square, by lines running due north and south, and others crossing these at right angles, as near as may be, unless where the boundaries of the late Indian purchases may render the same impracticable, and then they shall depart from this rule no farther than such particular circumstances may require; and each surveyor shall be allowed and paid at the rate of two dollars for every mile, in length, he shall run, including the wages of chain carriers, markers, and every other expense attending the same.

The first line, running north and south as aforesaid, shall begin on the river Ohio, at a point that shall be found to be due north from the western termination of a line, which has been run as the southern boundary of the state of Pennsylvania; and the first line, running east and west, shall begin at the same point, and shall extend throughout the whole territory. Provided, that nothing herein shall be construed, as fixing the western boundary of the state of Pennsylvania. The geographer shall designate the townships, or fractional parts of townships, by numbers progressively from south to north; always beginning each range with number one; and the ranges shall be distinguished by their progressive numbers to the westward. The first range, extending from the Ohio to the lake Erie, being marked number one. The geographer shall personally attend to the running of the first east and west line; and shall take the latitude of the extremes of the first north and south line, and of the mouths of the principal rivers.

The lines shall be measured with a chain; shall be plainly marked by chaps on the trees and exactly described on a plat; whereon shall be noted by the surveyor, at their proper distance, all mines, salt springs, salt licks and mill seats, that shall come to his knowledge, and all water courses, mountains and other remarkable and permanent things, over and near which such lines shall pass, and also the quality of the lands.

The plats of the townships respectively, shall be marked by subdivisions into lots of one mile square, or 640 acres, in the same direction as the external lines, and numbered from 1 to 36; always beginning the succeeding range of the lots with the number next to that with which the preceding one concluded. And where, from the causes before mentioned, only a fractional part of a township shall be surveyed, the lots protracted thereon, shall bear the same numbers as if the township had been entire. And the surveyors, in running the external lines of the townships, shall, at the interval of every mile, mark corners for the lots which are adjacent, always designating the same in a different manner from those of the townships.

The geographer and surveyors shall pay the utmost attention to the variation of the magnetic needle; and shall run and note all lines by the true meridian, certifying, with every plat, what was the variation at the times of running the lines thereon noted.

As soon as seven ranges of townships, and fractional parts of townships, in the direction from south to north, shall have been surveyed, the geographer shall transmit plats thereof to the board of treasury, who shall record the same with the report, in well bound books to be kept for that purpose. And the geographer shall make similar returns, from time to time, of every seven ranges as they may be surveyed. The Secretary at War shall have recourse thereto, and shall take by lot therefrom, a number of townships, and fractional parts of townships, as well from those to be sold entire as from those to be sold in lots, as will be equal to one seventh part of the whole of such seven ranges, as nearly as may be, for the use of the late continental army; and he shall make a similar draught, from time to time, until a sufficient quantity is drawn to satisfy the same, to be applied in manner hereinafter directed. The board of treasury shall, from time to time, cause the remaining numbers, as well those to be sold entire, as those to be sold in lots, to be drawn for, in the name of the thirteen states respectively, according to the quotas in the last preceding requisition on all the states; provided, that in case more land than its proportion is allotted for sale, in any state, at any distribution, a deduction be made therefor at the next.

The board of treasury shall transmit a copy of the original plats, previously noting thereon, the townships, and fractional parts of townships, which shall have fallen to the several states, by the distribution aforesaid, to the Commissioners of the loan office of the several states, who, after giving notice of not less than two nor more than six months by causing advertisements to be posted up at the court houses, or other noted places in every county, and to be inserted in one newspaper, published in the states of their residence respectively, shall proceed to sell the townships, or fractional parts of townships, at public vendue, in the following manner, viz.: The township, or fractional part of a township, N 1, in the first range, shall be sold entire; and N 2, in the same range, by lots; and thus in alternate order through the whole of the first range. The township, or fractional part of a township, N 1, in the second range, shall be sold by lots; and N 2, in the same range, entire; and so in alternate order through the whole of the second range; and the third range shall be sold in the same manner as the first, and the fourth in the same manner as the second, and thus alternately throughout all the ranges; provided, that none of the lands, within the said territory, be sold under the price of one dollar the acre, to be paid in specie, or loan office certificates, reduced to specie value, by the scale of depreciation, or certificates of liquidated debts of the United States, including interest, besides the expense of the survey and other charges thereon, which are hereby rated at thirty six dollars the township, in specie or certificates as aforesaid, and so in the same proportion for a fractional part of a township, or of a lot, to be paid at the time of sales; on failure of which payment the said lands shall again be offered for sale.

There shall be reserved for the United States out of every township, the four lots, being numbered 8, 11, 26, 29, and out of every fractional part of a township, so many lots of the same numbers as shall be found thereon, for future sale. There shall be reserved the lot N 16, of every township, for the maintenance of public schools, within the said township; also one third part of all gold, silver, lead and copper mines, to be sold, or otherwise disposed of as Congress shall hereafter direct.

When any township, or fractional part of a township, shall have been sold as aforesaid, and the money or certificates received therefor, the loan officer shall deliver a deed in the following terms:

The United States of America to all to whom these presents shall come, greeting:

Know ye, That for the consideration of [blank] dollars we have granted, and hereby do grant and confirm unto [blank] the township, (or fractional part of a township, as the case may be) numbered [blank] in the range [blank] excepting therefrom, and reserving one third part of all gold, silver, lead and copper mines within the same; and the lots Ns 8, 11, 26, and 29, for future sale or disposition, and the lot N 16, for the maintenance of public schools. To have to the said [blank] his heirs and assigns for ever; (or if more than one purchaser to the said [blank] their heirs and assigns for ever as tenants in Common.) In witness whereof, (A.B.) Commissioner of the loan office, in the State of [blank] hath, in conformity to the Ordinance passed by the United States in Congress assembled, the twentieth day of May, in the year of our Lord one thousand seven hundred and eighty five, hereunto set his hand and affixed his seal this [blank] day of [blank] in the year of our Lord [blank] and of the independence of the United States of America [blank].

And when any township, or fractional part of a township, shall be sold by lots as aforesaid, the Commissioner of the loan office shall deliver a deed therefor in the following form:

The United States of America to all to whom these presents shall come, Greeting:

Know ye, That for the consideration of [blank] dollars, we have granted, and hereby do grant and confirm unto [blank] the lot (or lots, as the case may be, in the township or fractional part of the township, as the case may be) numbered [blank] in the range [blank] excepting and reserving one third part of all gold, silver, lead and copper mines within the same, for future sale or disposition. To have to the said [blank] his heirs and assigns for ever; (or if more than one purchaser, to the said [blank] their heirs and assigns for ever as tenants in common). In witness whereof, (A.B.) Commissioner of the continental loan office in the state of [blank] hath, in conformity to the Ordinance passed by the United States in Congress assembled, the twentieth day of May, in the year of our Lord 1785, hereunto set his hand and affixed his seal, this [blank]day of [blank] in the year of our Lord [blank] and of the independence of the United States of America [blank].

Which deeds shall be recorded in proper books by the commissioner of the loan office and shall be certified to have been recorded, previous to their being delivered to the purchaser, and shall be good and valid to convey the lands in the same described.

The commissioners of the loan offices respectively, shall transmit to the board of treasury every three months, an account of the townships, fractional parts of townships, and lots committed to their charge; specifying therein the names of the persons to whom sold, and the sums of money or certificates received for the same; and shall cause all certificates by them received, to be struck through with a circular punch; and they shall be duly charged in the books of the treasury, with the amount of the moneys or certificates, distinguishing the same, by them received as aforesaid.

If any township, or fractional part of a township or lot, remains unsold for eighteen months after the plat shall have been received, by the commissioners of the loan office, the same shall be returned to the board of treasury, and shall be sold in such manner as Congress may hereafter direct.

And whereas Congress by their resolutions of September 16 and 18 in the year 1776, and the 12th of August, 1780, stipulated grants of land to certain officers and soldiers of the late continental army, and by the resolution of the 22d September, 1780, stipulated grants of land to certain officers in the hospital department of the late continental army; for complying therefore with such engagements, Be it ordained, That the secretary at war, from the returns in his office, or such other evidence as the nature of the case may admit, determine who are the objects of the above resolutions and engagements, and the quantity of land to which such persons or their representatives are respectively entitled, and cause the townships, or fractional parts of townships, hereinbefore reserved for the use of the late continental army, to be drawn for in such manner as he shall deem expedient, to answer the purpose of an impartial distribution. He shall, from time to time, transmit certificates to the commissioners of the loan offices of the different states, to the lines of which the military claimants have respectively belonged, specifying the name and rank of the party, the terms of his engagement and time of his service, and the division, brigade, regiment or company to which he belonged, the quantity of land he is entitled to, and the township, or fractional part of a township, and range out of which his portion is to be taken.

The commissioners of the loan offices shall execute deeds for such undivided proportions in manner and form herein before-mentioned, varying only in such a degree as to make the same conformable to the certificate from the Secretary at War.

Where any military claimants of bounty in lands shall not have belonged to the line of any particular state, similar certificates shall be sent to the board of treasury, who shall execute deeds to the parties for the same.

The Secretary at War, from the proper returns, shall transmit to the board of treasury, a certificate specifying the name and rank of the several claimants of the hospital department of the late continental army, together with the quantity of land each claimant is entitled to, and the township, or fractional part of a township, and range out of which his portion is to be taken; and thereupon the board of treasury shall proceed to execute deeds to such claimants.

The board of treasury, and the commissioners of the loan offices in the states, shall, within 18 months, return receipts to the secretary at war, for all deeds which have been delivered, as also all the original deeds which remain in their hands for want of applicants, having been first recorded; which deeds so returned, shall be preserved in the office, until the parties or their representatives require the same.

And be it further Ordained, That three townships adjacent to lake Erie be reserved, to be hereafter disposed of by Congress, for the use of the officers, men and others, refugees from Canada, and the refugees from Nova Scotia, who are or may be entitled to grants of land under resolutions of Congress now existing, or which may hereafter be made respecting them, and for such other purposes as Congress may hereafter direct.

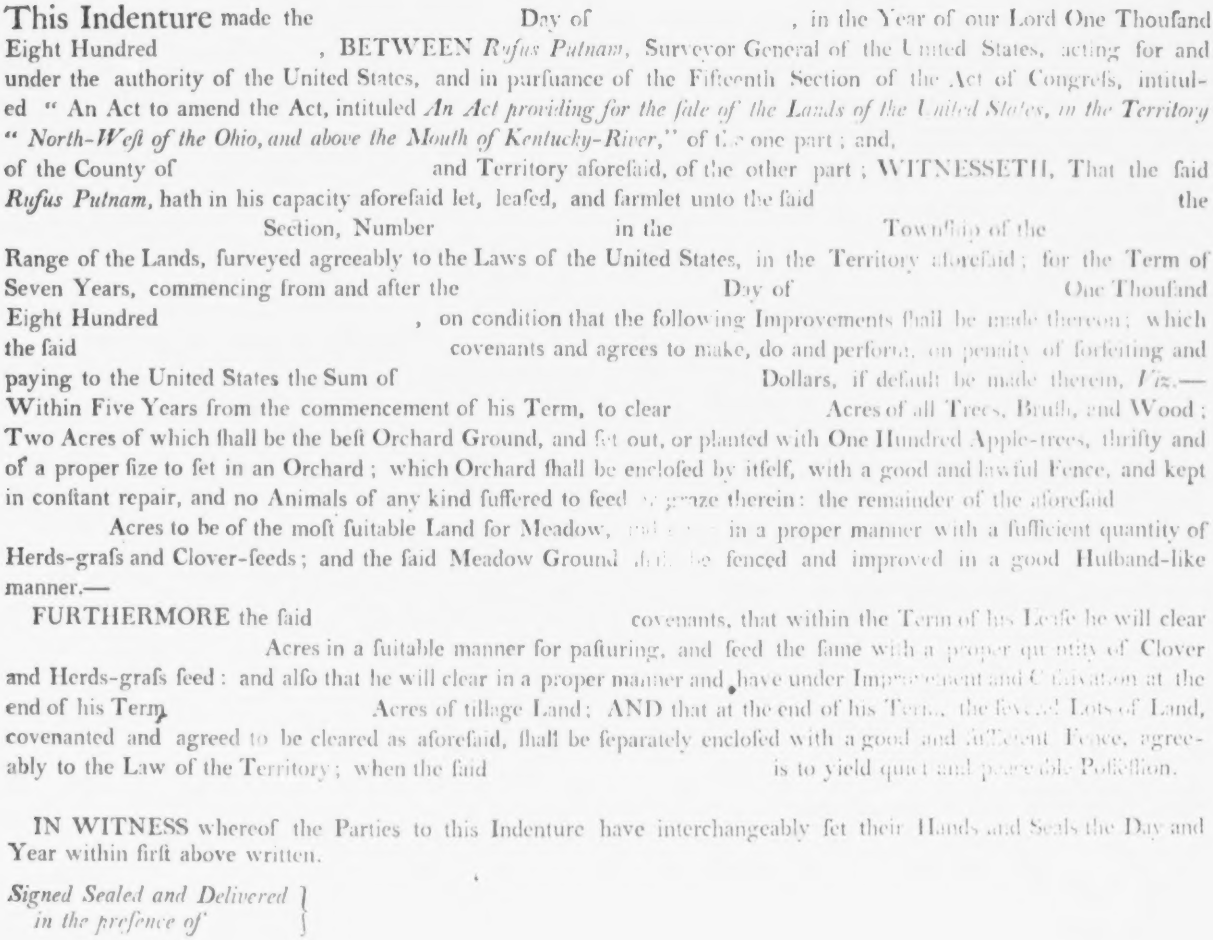
And be it further Ordained, That the towns of Gnadenhutten, Schoenbrun and Salem, on the Muskingum, and so much of the lands adjoining to the said towns, with the buildings and improvements thereon, shall be reserved for the sole use of the Christian Indians, who were formerly settled there, or the remains of that society, as may, in the judgment of the geographer, be sufficient for them to cultivate.

Saving and reserving always, to all officers and soldiers entitled to lands on the northwest side of the Ohio, by donation or bounty from the commonwealth of Virginia, and to all persons claiming under them, all rights to which they are so entitled, under the deed of cession executed by the delegates for the state of Virginia, on the first day of March, 1784, and the act of Congress accepting the same: and to the end that the said rights may be fully and effectually secured, according to the true intent and meaning of the said deed of cession and act aforesaid, Be it Ordained, that no part of the land included between the rivers called little Miami and Sciota, on the northwest side of the river Ohio, be sold, or in any manner alienated, until there shall first have been laid off and appropriated for the said Officers and Soldiers, and persons claiming under them, the lands they are entitled to, agreeably to the said deed of cession and act of Congress accepting the same.

Done by the United States in Congress assembled, the 20th day of May, in the year of our Lord 1785, and of our sovereignty and independence the ninth.

Charles Thomson,
Secretary.

Richard H. Lee,
President.



This Indenture made the Day of , in the Year of our Lord One Thouſand Eight Hundred , BETWEEN *Rufus Putnam,* Surveyor General of the United States, acting for and under the authority of the United States, and in purſuance of the Fifteenth Section of the Act of Congreſs, intituled "An Act to amend the Act, intituled *An Act providing for the ſale of the Lands of the United States, in the Territory "North-Weſt of the Ohio, and above the Mouth of Kentucky-River,"* of the one part; and, of the County of and Territory aforeſaid, of the other part; WITNESSETH, That the ſaid *Rufus Putnam,* hath in his capacity aforeſaid let, leaſed, and farmlet unto the ſaid the Section, Number in the Townſhip of the Range of the Lands, ſurveyed agreeably to the Laws of the United States, in the Territory aforeſaid; for the Term of Seven Years, commencing from and after the Day of One Thouſand Eight Hundred , on condition that the following Improvements ſhall be made thereon; which the ſaid covenants and agrees to make, do and perform, on penalty of forfeiting and paying to the United States the Sum of Dollars, if default be made therein, *Viz.*—Within Five Years from the commencement of his Term, to clear Acres of all Trees, Bruſh, and Wood; Two Acres of which ſhall be the beſt Orchard Ground, and ſet out, or planted with One Hundred Apple-trees, thrifty and of a proper ſize to ſet in an Orchard; which Orchard ſhall be encloſed by itſelf, with a good and lawful Fence, and kept in conſtant repair, and no Animals of any kind ſuffered to feed or graze therein: the remainder of the aforeſaid Acres to be of the moſt ſuitable Land for Meadow, laid down in a proper manner with a ſufficient quantity of Herds-graſs and Clover-ſeeds; and the ſaid Meadow Ground ſhall be fenced and improved in a good Huſband-like manner.—

FURTHERMORE the ſaid covenants, that within the Term of his Leaſe he will clear Acres in a ſuitable manner for paſturing, and feed the ſame with a proper quantity of Clover and Herds-graſs feed: and alſo that he will clear in a proper manner and have under Improvement and Cultivation at the end of his Term Acres of tillage Land; AND that at the end of his Term, the ſeveral Lots of Land, covenanted and agreed to be cleared as aforeſaid, ſhall be ſeparately encloſed with a good and ſufficient Fence, agreeably to the Law of the Territory; when the ſaid is to yield quiet and peaceable Poſſeſſion.

IN WITNESS whereof the Parties to this Indenture have interchangeably ſet their Hands and Seals the Day and Year within firſt above written.

Signed Sealed and Delivered
in the preſence of

Courtesy Indiana Historical Society

Document 7

Northwest Ordinance, 1787

From: Clarence Edwin Carter, ed., *The Territorial Papers of the United States* (Washington, D. C., 1934), 2:39-50.

An Ordinance for the government of the territory of the United States North West of the river Ohio.

Be it ordained by the United States in Congress assembled that the said territory for the purposes of temporary government be one district; subject however to be divided into two districts as future circumstances may in the opinion of Congress make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory dying intestate shall descend to and be distributed among their children and the descendants of a deceased child in equal parts; the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants then in equal parts to the next of kin in equal degree and among collaterals the children of a deceased brother or sister of the intestate shall have in equal parts among them their deceased parent's share and there shall in no case be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as herein after mentioned estates in the said territory may be devised or bequeathed by wills in writing signed and sealed by him or her in whom the estate may be, being of full age and attested by three witnesses, and real estates may be conveyed by lease and release or bargain and sale signed, sealed and delivered by the person being of full age in whom the estate may be and attested by two witnesses provided such wills be duly proved and such conveyances be acknowledged or the execution thereof duly proved and be recorded within one year after proper magistrates, courts and registers shall be appointed for that purpose and personal property may be transferred by delivery saving however to the French and Canadian inhabitants and other settlers of the Kaskaskies, Saint Vincents and neighbouring villages who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid that there shall be appointed from time to time by Congress a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district and have a freehold estate therein, in one thousand acres of land while in the exercise of his office. There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district and have a freehold estate therein in five hundred acres of land while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature and the public records of the district and the proceedings of the governor in his executive department and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress. There shall also be appointed a court to consist of three judges any two of whom to form a court, who shall have a common law jurisdiction and reside in the district and have each therein a freehold estate in five hundred acres of land while in the exercise of their offices, and their commissions shall continue in force during good behaviour.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original states criminal and civil as may be necessary and best suited to the circumstances of the district and report them to Congress from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of general officers; All general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly the governor shall appoint such magistrates and other civil officers in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed shall during the continuance of this temporary government be appointed by the governor.

For the prevention of crimes and injuries the laws to be adopted or made shall have force in all parts of the district and for the execution of process criminal and civil, the governor shall make proper divisions thereof, and he shall proceed from time to time as circumstances may require to lay out the parts of the district in which the Indian titles shall have been extinguished into counties and townships subject however to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants of full age in the district upon giving proof thereof to the governor, they shall receive authority with time and place to elect representatives from their counties or townships to represent them in the general assembly; provided that for every five hundred free male inhabitants there shall be one representative and so on progressively with the number of free male inhabitants shall the right of representation increase until the number of representatives shall amount to twenty five after which the number and proportion of representatives shall be regulated by the legislature; provided that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years and be a resident in the district or unless he shall have resided in the district three years and in either case shall likewise hold in his own right in fee simple two hundred acres of land within the same: Provided also, that a freehold in fifty acres of land in the district having been a citizen of one of the states, and being resident in the district; or the like freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years and in case of the death of a representative or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years unless sooner removed by Congress any three of whom to be a quorum and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met they shall nominate ten persons residents in the district and each possessed of a freehold in five hundred acres of Land and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council by death or removal from office, the house of representatives shall nominate two persons qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term, and every five years, four months at least before the expiration of the time of service of the Members of Council, the said house shall nominate ten persons qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as Members of the council five years, unless sooner removed. And the Governor, legislative council, and the house of representatives, shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the Governor for his assent; but no bill or legislative Act whatever, shall be of any force without his assent. The Governor shall have power to convene, prorogue and dissolve the General Assembly, when in his opinion it shall be expedient.

The Governor, Judges, legislative Council, Secretary, and such other officers as Congress shall appoint in the district shall take an Oath or Affirmation of fidelity, and of Office, the Governor before the president of Congress, and all other Officers before the Governor. As soon as a legislature shall be formed in the district, the Council and house, assembled in one room, shall have authority by joint ballot to elect a Delegate to Congress who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary Government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of States and permanent government therein, and for their admission to a share in the federal Councils on an equal footing with the original States, at as early periods as may be consistent with the general interest,

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent, *to wit:*

Article the First. No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

Article the Second. The Inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by Jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable unless for capital offenses, where the proof shall be evident, or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any persons property, or to demand his particular services, full compensation shall be made for the same; and in the just preservation of rights and property it is understood and declared; that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, bona fide and without fraud previously formed.

Article the Third. Religion, Morality and knowledge, being necessary to good government and the happiness of mankind, Schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorised by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

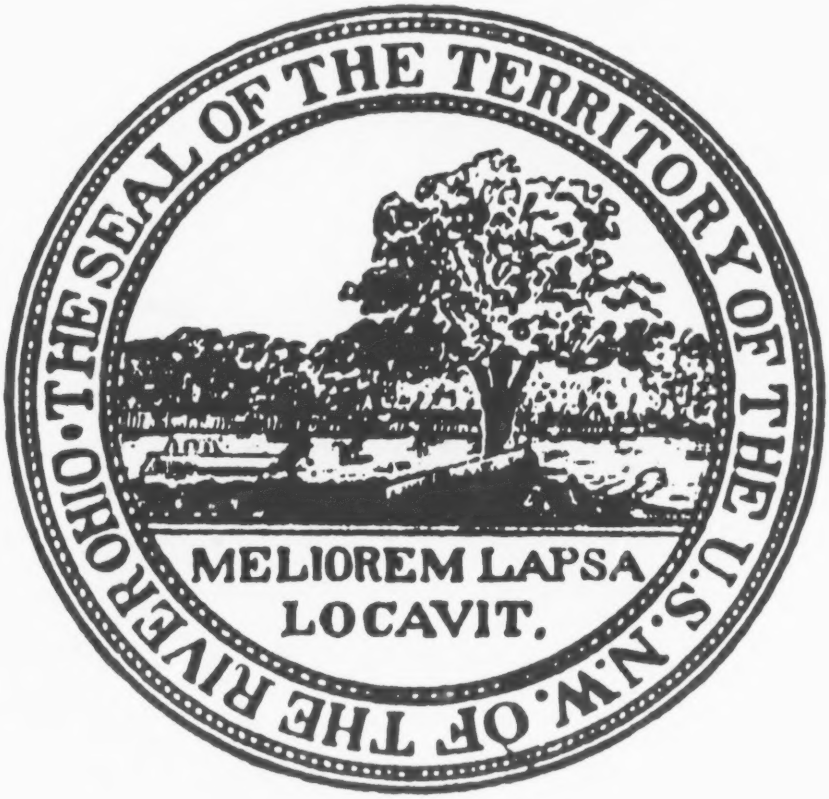
Article the Fourth. The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the Acts and Ordinances of the United States in Congress Assembled, conformable thereto. The inhabitants and settlers in the said territory, shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expences of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts or new States, as in the original states, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the Soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways, and forever free, as well to the Inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the Confederacy, without any tax, impost or duty therefor.

Article the Fifth. There shall be formed in the said territory, not less than three nor more than five states, and the boundaries of the states, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western state in the said territory, shall be bounded by the Mississippi, the Ohio and Wabash Rivers; a direct line drawn from the Wabash and post Vincents due North to the territorial line between the United States and Canada, and by the said territorial line to the lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash from post Vincents to the Ohio; by the Ohio, by direct line drawn due North from the mouth of the great Miami to the said territorial line, and by the said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line; provided however, and it is further understood and declared, that the boundaries of these three states, shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan; and whenever any of the said States shall have sixty thousand free inhabitants therein, such state shall be admitted by its Delegates into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and state government: Provided the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free Inhabitants in the state than sixty thousand.

Article the Sixth. There shall be neither slavery nor involuntary servitude in the said territory otherwise than in the punishment of crimes, whereof the party shall have been duly convicted; provided always that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, that the resolutions of the 23d of April 1784 relative to the subject of this ordinance be, and the same are hereby repealed and declared null and void.

Done &c.


THE SEAL OF THE TERRITORY OF THE U.S. N.W. OF THE RIVER OHIO
MELIOREM LAPSA LOCAVIT.

The Seal of the Territory of the United States
Northwest of the River Ohio
This authorized seal for documents of the Northwest Territory shows a fruit-bearing tree, an ax-felled tree, a rising sun, and boats presumably on the Ohio River. These symbols represent the aspirations of new settlers in the western wilderness. The Latin phrase *Meliorem Lapsa Locavit* means "from the fallen tree, a better one has grown." Courtesy Indiana Historical Society.

Document 8

Act Creating Indiana Territory, 1800

From: Hubert H. Hawkins, compiler, *Indiana's Road to Statehood* (Indianapolis: Indiana Historical Bureau, 1969).

An ACT to divide the territory of the United States north-west of the Ohio, into two separate governments.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That from and after the fourth day of July next, all that part of the territory of the United States north-west of the Ohio river, which lies to the westward of a line beginning at the Ohio, opposite to the mouth of Kentucky river, and running thence to fort Recovery, and thence north until it shall intersect the territorial line between the United States and Canada, shall, for the purposes of temporary government, constitute a separate territory, and be called the Indiana Territory.

Sec. 2. *And be it further enacted,* That there shall be established within the said territory a government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July one thousand seven hundred and eighty-seven, for the government of the territory of the United States north-west of the river Ohio; and the inhabitants thereof shall be entitled to, and enjoy all and singular the rights, privileges and advantages granted and secured to the people by the said ordinance.

Sec. 3. *And be it further enacted,* That the officers for the said territory, who by virtue of this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations as by the ordinance aforesaid and the laws of the United States, have been provided and established for similar officers in the territory of the United States north-west of the river Ohio: And the duties and emoluments of Superintendent of Indian Affairs shall be united with those of governor: *Provided,* That the President of the United States shall have full power, in the recess of Congress, to appoint and commission all officers herein authorized; and their commissions shall continue in force until the end of the next session of Congress.

Sec. 4. *And be it further enacted,* That so much of the ordinance for the government of the territory of the United States north-west of the Ohio river, as relates to the organization of a General Assembly therein, and prescribes the powers thereof, shall be in force and operate in the Indiana territory, whenever satisfactory evidence shall be given to the governor thereof, that such is the wish of a majority of the freeholders, notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty-one years and upwards: *Provided,* That until there shall be five thousand free male inhabitants of twenty-one years and upwards in said territory, the whole number of representatives to the General Assembly shall not be less than seven, nor more than nine, to be apportioned by the governor to the several counties in the said territory, agreeably to the number of free males of the age of twenty-one years and upwards which they may respectively contain.

Sec. 5. *And be it further enacted,* That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the territory of the United States north-west of the Ohio river, further than to prohibit the exercise thereof within the Indiana territory, from and after the aforesaid fourth day of July next: *Provided,* That whenever that part of the territory of the United States which lies to the eastward of a line beginning at the mouth of the Great Miami river, and running thence due north to the territorial line between the United States and Canada, shall be erected into an independent state and admitted into the Union on an equal footing with the original states, thenceforth said line shall become and remain permanently the boundary line between such state and the Indiana territory; any thing in this act contained to the contrary notwithstanding.

Sec. 6. *And be it further enacted,* That until it shall be otherwise ordered by the legislatures of the said territories respectively, Chilicothe, on Scioto river, shall be the seat of the government of the territory of the United States north-west of the Ohio river; and that Saint Vincennes, on the Wabash river, shall be the seat of the government for the Indiana territory.

THEODORE SEDGWICK,
Speaker of the House of Representatives.

TH: JEFFERSON,
Vice-President of the United States, and
President of the Senate.

Approved—May 7th, A.D. 1800
JOHN ADAMS, *President of the United States.*

Document 9

Harrison Land Act, 1800

From: Hubert H. Hawkins, compiler, *Indiana's Road to Statehood* (Indianapolis: Indiana Historical Bureau, 1969).

An ACT to amend the act, intituled, "An act providing for the sale of the lands of the United States, in the territory north-west of the Ohio, and above the mouth of Kentucky river."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That for the disposal of the lands of the United States, directed to be sold by the act, intituled, "An act providing for the sale of the lands of the United States, in the territory north-west of the Ohio, and above the mouth of Kentucky river," there shall be four land-offices established in the said territory: One at Cincinnati, for lands below the Little Miami which have not heretofore been granted; one at Chilicothe, for lands east of the Scioto, south of the lands appropriated for satisfying military bounties to the late army of the United States, and west of the fifteenth range of townships; one at Marietta, for the lands east of the sixteenth range of townships, south of the before-mentioned military lands, and south of a line drawn due west from the northwest corner of the first township of the second range, to the said military lands; and one at Steubenville, for the lands north of the last mentioned line, and east or north of the said military lands: Each of the said offices shall be under the direction of an officer, to be called "The Register of the Land-Office," who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall give bond to the United States, with approved security, in the sum of ten thousand dollars, for the faithful discharge of the duties of his office; and shall reside at the place where the land-office is directed to be kept.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Surveyor-General, and he is hereby expressly enjoined, to prepare and transmit to the Registers of the several land-offices, before the days herein appointed for commencing sales, general plats of the lands hereby directed to be sold at the said offices respectively, and also to forward copies of each of the said plats to the Secretary of the Treasury.

Sec. 3. *And be it further enacted*, That the Surveyor-General shall cause the townships west of the Muskingum, which by the above-mentioned act are directed to be sold in quarter townships, to be subdivided into half sections of three hundred and twenty acres each, as nearly as may be, by running parallel lines through the same from east to west, and from south to north, at the distance of one mile from each other, and marking corners, at the distance of each half mile on the lines running from east to west, and at the distance of each mile on those running from south to north, and making the marks, notes, and descriptions, prescribed to surveyors by the above-mentioned act: And the interior lines of townships intersected by the Muskingum, and of all the townships lying east of that river, which have not been heretofore actually sub-divided into sections, shall also be run and marked in the manner prescribed by the said act, for running and marking the interior lines of townships directed to be sold in sections of six hundred and forty acres each: And in all cases where the exterior lines of the townships, thus to be sub-divided into sections or half sections, shall exceed or shall not extend six miles, the excess or deficiency shall be specially noted, and added to or deducted from the western and northern ranges of sections or half sections in such township, according as the error may be in running the lines from east to west, or from south to north; the sections and half sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats respectively, and all others as containing the complete legal quantity: And the President of the United States shall fix the compensation of the deputy-surveyors, chain-carriers, and axemen: *Provided*, the whole expense of surveying and marking the lines shall not exceed three dollars, for every mile that shall be actually run, surveyed and marked.

Sec. 4. *And be it further enacted*, That the lands thus sub-divided (excluding the sections reserved by the above-mentioned act) shall be offered for sale in sections and half sections, subdivided as before directed at the following places and times, that is to say; those below the Little Miami shall be offered at public vendue, in the town of Cincinnati, on the first Monday of April one thousand eight hundred and one, under the direction of the Register of the land-office there established, and of either the Governor or Secretary of the north-western territory: The lands east of Scioto, south of the military lands, and west of the fifteenth range of townships, shall be offered in like manner for the sale at Chilicothe, on the first Monday of May, one thousand eight hundred and one, under the direction of the Register of the land-office there established, and of either the Governor or Secretary of the said territory: The lands east of the sixteenth range of townships, south of the military lands and west of the Muskingum, including all the townships intersected by that river, shall be offered for sale in like manner at Marietta, on the last Monday of May, one thousand eight hundred and one, under the direction of the Governor or Secretary, or Surveyor-General of the said territory. The sales shall remain open at each place for three weeks and no longer. The superintendants shall observe the rules and regulations of the above-mentioned act, in classing and selling fractional with entire sections, and in keeping and transmitting accounts of the sales. All lands, remaining unsold, at the closing of either of the public sales, may be disposed of at private sale by the Registers of these respective land-offices, in the manner herein after prescribed; and the Register of the land-office at Steubenville, after the first day of July next, may proceed to sell at private sale, the lands situate within the district assigned to his direction as herein before described, disposing of the same in sections, and classing fractional with entire sections, according to the provisions and regulations of the above-mentioned act and of this act: And the Register of the land-office at Marietta, after the said first day of July next, may proceed to sell at private sale, any of the lands within the district assigned to his direction as aforesaid, which are east of the river Muskingum, excluding the townships intersected by that river, disposing of the same in sections, and classing fractional with entire sections as aforesaid.

Sec. 5. *And be it further enacted*, That no lands shall be sold by virtue of this act, at either public or private sale, for less than two dollars per acre, and payment may be made for the same by all purchasers, either in specie, or in evidences of the public debt of the United States, at the rates prescribed by the act, intituled, "An act to authorize the receipt of evidences of the public debt in payment for the lands of the United States;" and shall be made in the following manner, and under the following conditions, to wit:

1. At the time of purchase, every purchaser shall, exclusively of the fees hereinafter-mentioned, pay six dollars for every section, and three dollars for every half section, he may have purchased, for surveying expenses, and deposit one-twentieth part of the amount of the purchase money, to be forfeited, if within forty days one fourth part of the purchase money, including the said twentieth part, is not paid.

2. One-fourth part of the purchase money shall be paid within forty days after the day of sale as aforesaid: another fourth part shall be paid within two years; another fourth part within three years; and another fourth part within four years after the day of sale.

3. Interest, at the rate of six per cent. a year, from the day of sale, shall be charged upon each of the three last payments, payable as they respectively become due.

4. A discount, at the rate of eight per cent. a year, shall be allowed on any of the three last payments, which shall be paid before the same shall become due, reckoning this discount always upon the sum, which would have been demandable by the United States, on the day appointed for such payment.

5. If the first payment of one fourth part of the purchase money shall not be made within forty days after the sale, the deposit, payment and fees, paid and made by the purchaser, shall be forfeited, and the lands shall and may, from and after the day, when the payment of one fourth part of the purchase money should have been made, be disposed of at private sale, on the same terms and conditions, and in the same manner as the other lands directed by this act to be disposed of at private sale: *Provided*, That the lands which shall have been sold at public sale, and which shall, on account of such failure of payment, revert to the United States, shall not be sold at private sale, for a price less than the price that shall have been offered for the same at public sale.

6. If any tract shall not be completely paid for within one year after the date of the last payment, the tract shall be advertised for sale by the Register of the land-office within whose district it may lie, in at least five of the most public places in the said district, for at least thirty days before the time of sale: And he shall sell the same at public vendue, during the sitting of the court of quarter sessions of the county in which the land-office is kept, for a price not less than the whole arrears due thereon, with the expenses of sale; the surplus, if any, shall be returned to the original purchaser, or to his legal representative; but if the sum due, with interest, be not bidden and paid, then the land shall revert to the United States. All monies paid therefor shall be forfeited, and the Register of the land-office may proceed to dispose of the same to any purchaser, as in case of other lands at private sale.

Sec. 6. *And be it further enacted*, That all and every the payments, to be made by virtue of the preceding section, shall be made either to the Treasurer of the United States, or to such person or officer as shall be appointed by the President of the United States, with the advice and consent of the Senate, Receiver of public monies for lands of the United States, at each of the places respectively where the public and private sales of the said lands are to be made; and the said Receiver of public monies shall, before he enters upon the duties of his office, give bond, with approved security, in the sum of ten thousand dollars, for the faithful discharge of his trust; and it shall be the duty of the said Treasurer and Receiver of public monies to give receipts for the monies by them received, to the persons respectively paying the same; to transmit within thirty days in case of public sale, and quarterly in case of private sale, an account of all the public monies by them received, specifying the amount received from each person, and distinguishing the sums received from surveying expenses, and those received for purchase money, to the Secretary of the Treasury, and to the Registers of the land-office, as the case may be. The said Receivers of public monies shall, within three months after receiving the same, transmit the monies by them received to the Treasurer of the United States; and the Receivers of public monies for the said sales, and also the Receivers of public monies for the sales which have taken place at Pittsburg under the act intituled, "An act providing for the sale of the lands of the United States in the territory northwest of the Ohio, and above the mouth of Kentucky river," shall receive one per cent. on the money received, as a compensation for clerk hire, receiving, safe-keeping, and transmitting it to the Treasury of the United States.

Sec. 7. *And be it further enacted*, That it shall be the duty of the Registers of the land-offices respectively, to receive and enter on books kept for that purpose only, and on which no blank leaves or space shall be left between the different entries, the applications of any person or persons who may apply for the purchase of any section or half section, and who shall pay him the fee hereafter-mentioned, and produce a receipt from the Treasurer of the United States, or from the Receiver of public monies appointed for that purpose, for three dollars for each half section such person or persons may apply for, and for at least one-twentieth part of the purchase money, stating carefully in each entry the date of the application, the date of the receipt to him produced, the amount of monies specified in the said receipt, and the number of the section or half section, township and range applied for. If two or more persons shall apply at the same time for the said tract, the Register shall immediately determine by lot, in presence of the parties, which of them shall have preference. He shall file the receipt for monies produced by the party, and give him a copy of his entry, and if required, a copy of the description of the tract, and a copy of the plat of the same, or either of them; and it shall be his duty to inform the party applying for any one tract, whether the same has already been entered, purchased, or paid for, and at his request to give him a copy of the entry or entries concerning the same. He shall, three months after the date of each application, if the party shall not have within that time produced to him a receipt of the payment of one fourth part of the purchase money, including the twentieth part above-mentioned, enter under its proper date, in the said book of entries, that the payment has not been made, and that the land has reverted to the United States, and he shall make a note of the same in the margin of the book opposite to the original entry. And if the party shall, either at the time of making the original entry, or at any time within three months thereafter, produce a receipt to him, for the fourth part of the purchase money, including the twentieth part aforesaid, he shall file the receipt, make an entry of the same, under its proper date, in the said book of entries, make a note of the same in the margin of the book, opposite to the original entry, and give to the party a certificate, describing the land sold, the sum paid on account, the balance remaining due, the time and times when such balance shall become due, and that if it shall be duly discharged, the purchaser or his assignee or other legal representative, shall be entitled to a patent for the said lands; he shall also upon any subsequent payment being made, and a receipt from the receiver being produced to him, file the original receipt, give a receipt for the same to the party, and enter the same to the credit of the party, in a book kept for that purpose, in which he shall open an account in the name of each purchaser, for each section or half section that may be sold either at public or private sale, and in which he shall charge the party for the whole purchase money, and give him credit for all his payments; making the proper charges and allowances for interest or discount, as the case may be, according to the provisions of the fourth section of this act; and upon the payment being completed and the account finally settled, he shall give a certificate of the same to the party; and on producing to the Secretary of the Treasury, the same final certificate, the President of the United States is hereby authorized to grant a patent for the lands to the said purchaser, his heirs or assigns; and all patents shall be countersigned by the Secretary of State, and recorded in his office.

Sec. 8. *And be it further enacted*, That the Registers of the land-offices respectively, shall also note on the book of surveys, or original plat transmitted to them, every tract which may be sold, by inserting the letter A on the day when the same is applied for, and the letter P on the day when a receipt for one fourth part of the purchase money is produced to them, and by crossing the said letter A on the day when the land shall revert to the United States, on failure of the payment of one fourth part of the purchase money within three months after the date of application. And the said book of surveys or original plat shall be open at all times, in presence of the Register, for the inspection of any individual, applying for the same and paying the proper fee.

Sec. 9. *And be it further enacted*, That it shall be the duty of the Registers of the land-offices to transmit quarterly to the Secretary of the Treasury, and to the Surveyor-General, an account of the several tracts applied for, of the several tracts for which the payment of one fourth part of the purchase money has been made, of the several tracts which have reverted to the United States on failure of the said payment; and also an account of all the payments of monies by them entered, according to the receipts produced to them, specifying the sums of money, the names of the persons paying the same, the names of the officers who have received the same, and the tracts for which the same have been paid.

Sec. 10. *And be it further enacted*, That the Registers aforesaid shall be precluded from entering on their books any application for lands in their own name, and in the name of any other person in trust for them; and if any Register shall wish to purchase any tract of land, he may do it by application in writing to the Surveyor-General, who shall enter the same on books kept for that purpose by him, who shall proceed in respect to such applications, and to any payments made for the same, in the same manner which the Registers by this act are directed to follow, in respect to applications made to them for lands by other persons. The Registers shall, nevertheless, note on the book of surveys, or original plat, the applications and payments thus by them made, and their right to the pre-emption of any tract shall bear date from the day, when their application for the same shall have been entered by the Surveyor-General in his own book. And if any person applying for any tract shall, not withstanding he shall have received information from the Register, that the same has already been applied for by the said Register, or by any other person, insist to make the application, it shall be the duty of the Register to enter the same, noting in the margin that the same tract is already purchased; but upon application of the party made in writing, and which he shall file, he may and shall at any future time enter under its proper date, that the party withdraws his former application, and applies in lieu thereof for any other tract: *Provided always*, That the party shall never be allowed thus to withdraw his former application, and to apply in lieu thereof for another tract, except when the tract described in his former application shall have been applied for previous to the date of that his former application.

Sec. 11. *And be it further enacted*, That the Secretary of the Treasury shall and may prescribe such further regulations, in the manner of keeping books and accounts, by the several officers in this act mentioned, as to him may appear necessary and proper, in order fully to carry into effect the provisions of this act.

Sec. 12. *And be it further enacted*, That the Registers of the land-offices, respectively, shall be entitled to receive from the Treasury of the United States, one-half per cent. on all the monies expressed in the receipts by them filled and entered, and of which they shall have transmitted an account to the Secretary of the Treasury, as directed by this act; and they shall further be entitled to receive, for their own use, from the respective parties, the following fees for services rendered, that is to say; for every original application for land, and a copy of the same, for a section three dollars, for a half section two dollars, for every certificate stating that the first fourth part of the purchase money is paid twenty-five cents; for every subsequent receipt for monies paid, twenty-five cents; for the final settlement of account and giving the final certificate of the same, one dollar; for every copy, either of an application or of the description of any section or half section, or of the plat of the same, or of any entry made on their books, or of any certificate heretofore given by them, twenty-five cents for each; and for any entry made on their books, or of any certificate heretofore given by them, twenty-five cents for each; and for any general inspection of the book of surveys, or general plat, made in their presence, twenty-five cents.

Sec. 13. *And be it further enacted*, That the superintendents of the public sales, to be made by virtue of this act, and the superintendents of the sales which have taken place by virtue of the act, intituled, "An act providing for the sale of the lands of the United States in the territory north-west of the river Ohio, and above the mouth of Kentucky river," shall receive five dollars a day for every day whilst engaged in that business; and the accounting officers of the Treasury are hereby authorized to allow a reasonable compensation for books, stationery, and clerk hire, in settling the accounts of the said superintendents.

Sec. 14. *And be it further enacted*, That the fee to be paid for each patent for half a section shall be four dollars, and for every section five dollars, to be accounted for by the receiver of the same.

Sec. 15. *And be it further enacted*, That the lands of the United States reserved for future disposition, may be let upon leases by the Surveyor-General, in sections or half sections, for terms not exceeding seven years, on condition of making such improvements as he shall deem reasonable.

Sec. 16. *And be it further enacted*, That each person who before the passing of this act shall have erected, or begun to erect, a grist-mill or saw-mill upon any of the lands herein directed to be sold, shall be entitled to the pre-emption of the section including such mill, at the rate of two dollars per acre: *Provided*, The person or his heirs, claiming such right of pre-emption, shall produce to the Register of the land-office satisfactory evidence that he or they are entitled thereto, and shall be subject to and comply with the regulations and provisions by this act prescribed for other purchasers.

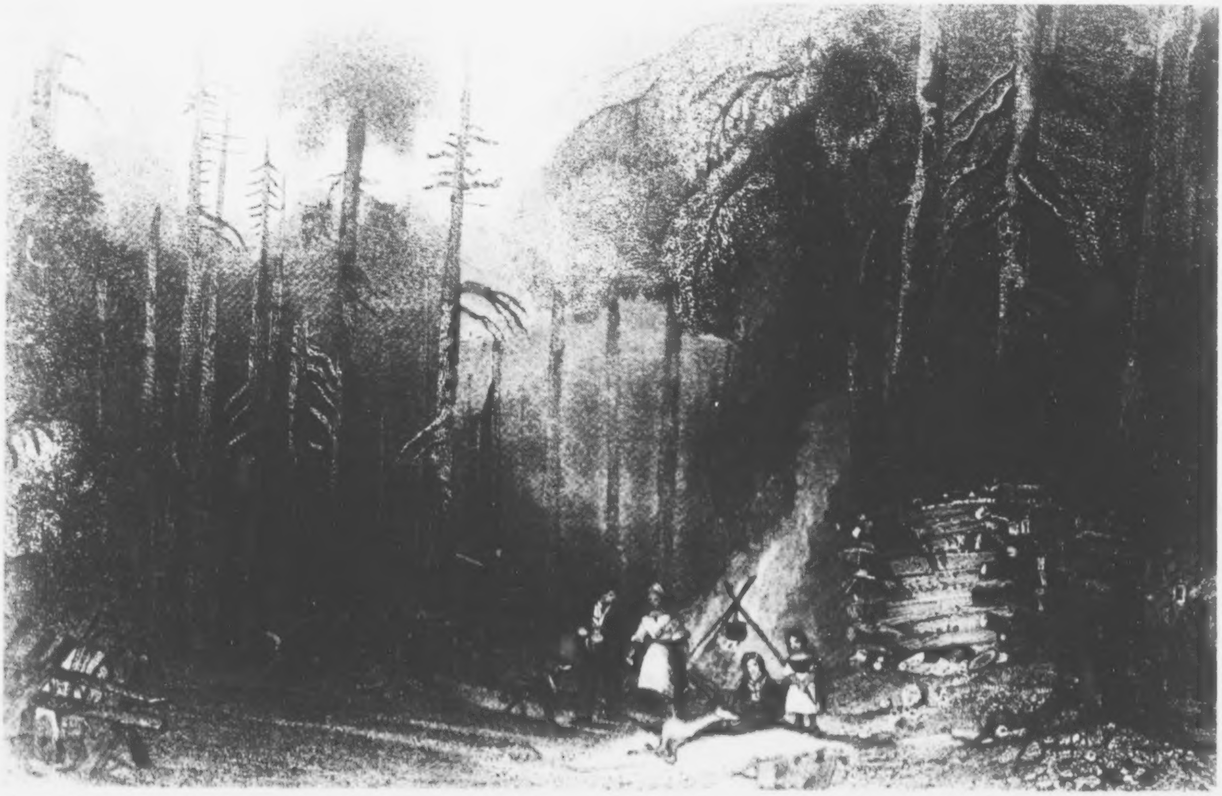
Sec. 17. *And be it further enacted*, That so much of the "act providing for the sale of the lands of the United States in the territory north-west of the river Ohio, and above the mouth of Kentucky river," as comes within the purview of this act, be and the same is hereby repealed.

THEODORE SEDGWICK,
Speaker of the House of Representatives.

TH: JEFFERSON,
Vice-President of the United States, and
President of the Senate.

Approved—May 10th, A. D. 1800.

JOHN ADAMS,
President of the United States.



According to R. Carlyle Buley in his *The Old Northwest*, the first task was to clear the land: "Trees to be cleared for the cabin site, trees to be cleared for fields, trees to be cleared for roads, timber to be cut for cabins and out buildings, split for rails, ricked for fuel." Courtesy Indiana Historical Society.

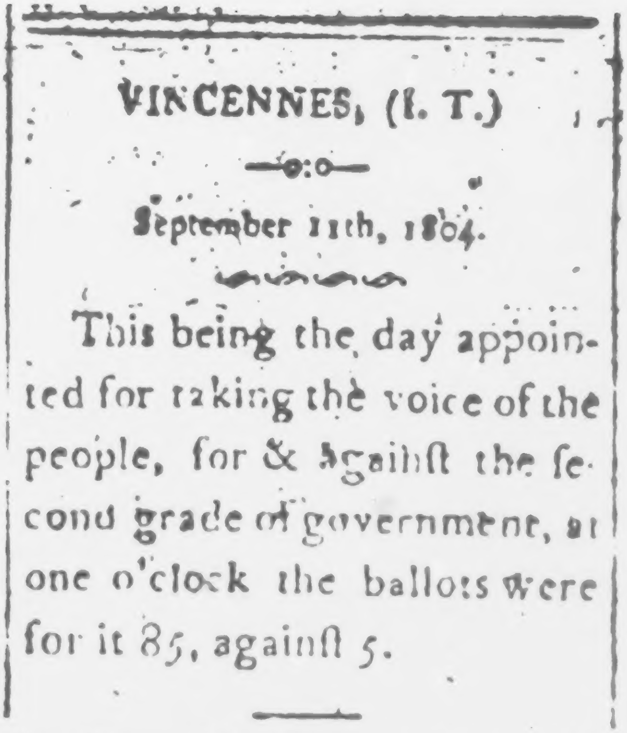
Document 10

Proclamation: Announcing that Indiana Territory Had Passed to the Second Grade, 1804

From: Hubert H. Hawkins, compiler, *Indiana's Road to Statehood* (Indianapolis: Indiana Historical Bureau, 1969).

December 5, 1804

Returns of the Election held on the 11th Sept. last in the several Counties, having been made to the office of the Secretary of the Territory (that of the County of Wayne excepted in which there was no Election in Consequence of the proclamation not arriving in time), and [it] appearing that there was a majority of one hundred and thirty Eight Freeholders in favor of the proposed Change of Government, the Governor Issued a proclamation in which he makes known and Declares the said Indiana Territory is and from henceforth shall be deemed to have passed into the second or representative grade of Government, and that the Good people of the Territory, from the date thereof are entitled to all the rights and privileges belonging to that situation, and further appoints that on Thursday the third day of January next an Election shall be held in each of the several Counties in the Territory respectively for the purpose of choosing the members of the house of Representatives and that the said house of representatives shall be composed of nine members of which there shall be Elected from the County of Knox Two from the County St. Clair one from the County of Randolph one from the County of Clark one from the County of Wayne three & from the County of Dearborn one, and that the said representatives Elected and every of them should meet at the Town of Vincennes on the first day of February next for the purpose of choosing members for the Legislative Council agreeable to the ordinance for the Government of the Territory.



VINCENNES, (I. T.)

—o:o—

September 11th, 1804.

This being the day appointed for taking the voice of the people, for & againſt the ſecond grade of government, at one o'clock the ballots were for it 85, againſt 5.

From: Vincennes *Indiana Gazette*, September 21, 1804.

VINCENNES, (I. T.)
September 11th, 1804.

This being the day appointed for taking the voice of the people, for & against the second grade of government, at one o'clock the ballots were for it 85, against 5.

Document 11

Act Dividing Indiana Territory, 1805

From: Hubert H. Hawkins, compiler, *Indiana's Road to Statehood* (Indianapolis: Indiana Historical Bureau, 1969).

AN ACT to divide the Indiana Territory into two separate governments.

BE it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the thirtieth day of June next, all that part of the Indiana Territory, which lies North of a line drawn east from the southerly bend or extreme of lake Michigan, until it shall intersect lake Erie, and East of a line drawn from the said southerly bend through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States, shall, for the purpose of temporary government, constitute a separate territory, and be called Michigan.

Sec. 2. *And be it further enacted*, That there shall be established within the said territory, a government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the territory of the United States, north west of the river Ohio; and by an act passed on the seventh day of August, one thousand seven hundred and eighty-nine, entitled "An act to provide for the government of the territory north west of the river Ohio;" and the inhabitants thereof shall be entitled to, and enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the territory of the United States, north west of the river Ohio, by the said ordinance.

Sec. 3. *And be it further enacted*, That the officers for the said territory, who by virtue of this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services, the same compensations, as by the ordinance aforesaid and the laws of the United States, have been provided and established for similar officers in the Indiana Territory; and the duties and emoluments of superintendant of Indian affairs, shall be united with those of governor.

Sec. 4. *And be it further enacted*, That nothing in this act contained, shall be construed so as, in any manner, to affect the government now in force in the Indiana Territory, further than to prohibit the exercise thereof within the said territory of Michigan, from and after the aforesaid thirtieth day of June next.

Sec. 5. *And be it further enacted*, That all suits, process, and proceeding, which, on the thirtieth day of June next, shall be pending in the court of any county, which shall be included within the said territory of Michigan; and also all suits, process, and proceedings, which on the said thirtieth day of June next, shall be pending in the general court of the Indiana Territory, in consequence of any writ of removal, or order for trial at bar, and which had been removed from any of the counties included within the limits of the territory of Michigan aforesaid, shall, in all things concerning the same, be proceeded on, and judgments and decrees rendered thereon, in the same manner as if the said Indiana Territory had remained undivided.

Sec. 6. *And be it further enacted*, That Detroit shall be the seat of government of the said territory, until Congress shall otherwise direct.

NATHL. MACON,
Speaker of the House of Representatives.

A. BURR,
Vice-President of the United States, and
President of the Senate.

January 11, 1805.
Approved,
TH: JEFFERSON.

Document 12

Act Dividing Indiana Territory, 1809

From: Hubert H. Hawkins, compiler, *Indiana's Road to Statehood* (Indianapolis: Indiana Historical Bureau, 1969).

AN ACT for dividing the Indiana Territory into two separate Governments.

Be it enacted, &c., That, from and after the first day of March next, all that part of the Indiana Territory which lies west of the Wabash river, and a direct line drawn from the said Wabash river and Post Vincennes, due north to the territorial line between the United States and Canada, shall, for the purpose of temporary government, constitute a separate Territory, and be called Illinois.

Sec. 2. *And be it further enacted*, That there shall be established within the said Territory a government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the Territory of the United States Northwest of the river Ohio; and by an act passed on the seventh day of August, one thousand seven hundred and eighty-nine, entitled "An act to provide for the government of the Territory Northwest of the river Ohio;" and the inhabitants thereof shall be entitled to, and enjoy all and singular the rights, privileges, and advantages, granted and secured to the people of the Territory of the United States Northwest of the river Ohio, by the said ordinance.

Sec. 3. *And be it further enacted*, That the officers for the said Territory, who, by virtue of this act, shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations as by the ordinance aforesaid, and the laws of the United States, have been provided and established for similar officers in the Indiana Territory. And the duties and emoluments of the Superintendent of Indian Affairs shall be united with those of Governor: *Provided*, That the President of the United States shall have full power, in the recess of Congress, to appoint and commission all officers herein authorized, and their commissions shall continue in force until the end of the next session of Congress.

Sec. 4. *And be it further enacted*, That so much of the ordinance for the government of the Territory of the United States Northwest of the Ohio river, as relates to the organization of a General Assembly therein, and prescribes the powers thereof, shall be in force, and operate in the Illinois Territory, whenever satisfactory evidence shall be given to the Governor thereof that such is the wish of a majority of the freeholders, notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty-one years and upwards: *Provided*, That until there shall be five thousand free male inhabitants of twenty-one years and upwards in said Territory, the whole number of representatives to the General Assembly shall not be less than seven, nor more than nine, to be apportioned by the Governor to the several counties in the said Territory, agreeably to the number of free males of the age of twenty-one years and upwards, which they may respectively contain.

Sec. 5. *And be it further enacted*, That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the Indiana Territory, further than to prohibit the exercise thereof within the Illinois Territory, from and after the aforesaid first day of March next.

Sec. 6. *And be it further enacted*, That all suits, process, and proceedings, which, on the first day of March next, shall be pending in the court of any county which shall be included within the said Territory of Illinois, and also all suits, process, and proceedings, which, on the said first day of March next, shall be pending in the general court of the Indiana Territory, in consequence of any writ of removal, or order for trial at bar, and which had been removed from any of the counties included within the limits of the Territory of Illinois aforesaid, shall, in all things concerning the same, be proceeded on, and judgments and decrees rendered thereon, in the same manner as if the said Indiana Territory had remained undivided.

Sec. 7. *And be it further enacted*, That nothing in this act contained shall be so construed as to prevent the collection of taxes which may, on the first day of March next, be due to the Indiana Territory on lands lying in the said Territory of Illinois.

Sec. 8. *And be it further enacted*, That until it shall be otherwise ordered by the Legislature of the said Illinois Territory, Kaskaskia, on the Mississippi river, shall be the seat of government for the said Illinois Territory.

Approved, February 3, 1809.

Document 13

Indiana Suffrage Act, 1811

From: Hubert H. Hawkins, compiler, *Indiana's Road to Statehood* (Indianapolis: Indiana Historical Bureau, 1969).

AN ACT to extend the right of suffrage in the Indiana Territory, and for other purposes.

Be it enacted, etc. That each and every free white male person, who shall have attained the age of twenty-one years, and who shall have paid a county or Territorial tax, and who shall have resided one year in said Territory, previous to any general election, and be at the time of any such election a resident of said Territory, shall be entitled to vote for members of the Legislative Council and House of Representatives of the Territorial Legislature, and for a Delegate to the Congress of the United States for said Territory.

Sec. 2. *And be it further enacted*, That the citizens of the Indiana Territory, entitled to vote for Representatives to the General Assembly thereof, may, on the third Monday of April next, and on the third Monday of April biennially thereafter (unless the General Assembly of said Territory shall appoint a different day), elect one Delegate for said Territory to the Congress of the United States, who shall possess the same powers heretofore granted by law to the same.

Sec. 3. *And be it further enacted*, That each and every sheriff that now is or hereafter may be appointed in said Territory, who shall either neglect or refuse to perform the duties required by an act, entitled "An act extending the right of suffrage in the Indiana Territory, and for other purposes," passed in February, one thousand eight hundred and nine, shall be liable to a penalty of one thousand dollars, recoverable by action of debt, in any court of record within the said Territory, one-half for the use of the informer, and the other for the use of the Territory.

Sec. 4. *And be it further enacted*, That any person holding, or who may hereafter hold, any office of profit from the Governor of the Indiana Territory, (justices of the peace and militia officers excepted), shall be ineligible to, and disqualified to act as a member of the Legislative Council or House of Representatives for said Territory.

Sec. 5. *And be it further enacted*, That each and every sheriff, in each and every county, that now is or hereafter may be established in said Territory, shall cause to be held the election prescribed by this act, according to the time and manner prescribed by the laws of said Territory and this act, under the penalty of one thousand dollars, to be recovered in the manner and for the use pointed out by the third section of this act.

Approved, March 3, 1811.

Document 14

Memorial for Indiana Statehood, 1815

From: Hubert H. Hawkins, compiler, *Indiana's Road to Statehood* (Indianapolis: Indiana Historical Bureau, 1969).

To the Honorable the Senate and House of Representatives of the United States in Congress Assembled.—

The Memorial of the Legislative Council and the House of Representatives, of the Indiana Territory, Assembled at the town of Corydon, in the Year eighteen hundred and fifteen, in behalf of their constituents, respectfully Sheweth.—

That Whereas the ordinance of congress, for the Government, of this Territory, has provided, "That whenever there shall be sixty thousand free inhabitants therein, this Territory shall be admitted into the Union, on an equal footing with the original States." And Whereas by a census taken by the authority of the Legislature of this Territory, it appears from the returns that the number of free white inhabitants, exceeds Sixty thousand, we therefore pray the Honorable Senate and House of Representatives, in congress assembled, to order an election, to be conducted agreeably to the existing laws of this Territory, to be held in the several counties of this Territory, on the first monday of May 1816, for representatives to meet in convention, at the seat of Government of this Territory the day of 1816. Who when assembled shall determine by a majority of the votes, of all the members elected, Whether it will be expedient or inexpedient, to go into a State Government, and if it be determined expedient, the convention thus assembled, shall have the power to form a constitution and frame of Government, Or if it be deemed inexpedient, to provide for the election of Representatives, to meet in convention, at some future period to form a constitution.—

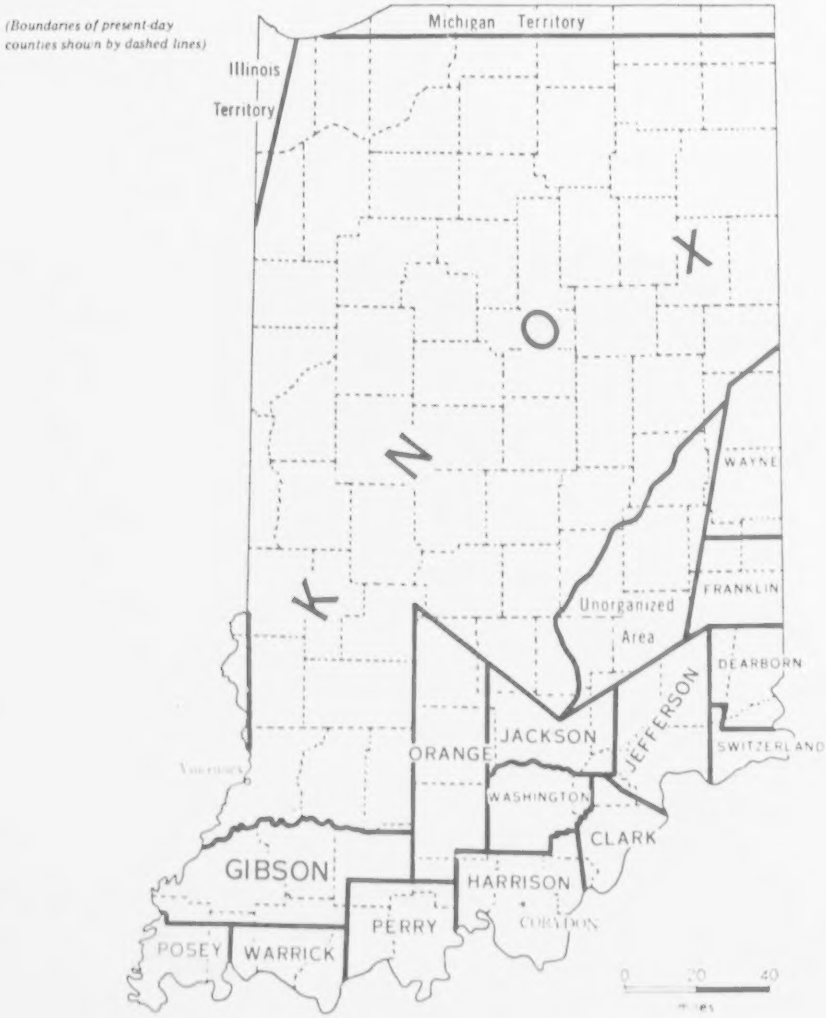
And Whereas the people of this Territory, have made great sacrifices, by settling on the frontiers, where they have been exposed to dangers and hardships of almost every description, by which means, the lands of the United States, have been greatly increased in value; we feel confident, that congress will be disposed, to grant us seven per cent on all monies received at any of the United States land offices, from the first day of April 1816, for lands already sold, or hereafter to be sold, lying in this Territory, such per centage to be at the disposal of this Government, in such way as may be judged most conducive to the General welfare. It is expected by us that the General Government, will be disposed to confirm to us her grant of township No. 2, South of Range 11, west of the second principal meridian, granted to the Indiana Territory for the use of an Academy, also the reserved Sections 16, in that portion of the Territory where the Indian title has already been extinguished, as well as that which may be hereafter purchased, of the Indians, to be at the disposal of the future State for the use of Schools, and it is further requested and expected, that all coal mines and Salt licks, which may be reserved by the United States, with a sufficiency of land to work them to effect, will be granted to the future State, as well where the Indian title is relinquished as where it is not, as soon as such reliquishment is obtained by the United States. Furthermore as it is conceived by us, that the promotion of useful Knowledge, is the best Guarantee to our civil institutions, and as congress must know something of the difficulties, of raising money in new countries, for the support of universities, we think we do ourselves but justice, in asking a reserve of one entire township, for the support of a college, to be located at some suitable place, on the United States lands in this Territory.—And whereas in the counties of Knox Gibson and Clark, in said Territory, a great quantity, of the lands in said counties, are claimed by private individuals, and confirmed to them by various laws of congress, which lands are so located that those counties will be deprived of the benefits from the sixteenth Section, reserved by the laws of congress, for the use of schools, It is therefore expected, that congress will reserve an equivalent in lands for the use of Schools, in said counties, in proportion to the number of the 16th Section now the property of individuals in said counties.—As it is deemed good policy, that every State should have its Seat of Government as nearly central as the local situation of the country will permit, and as such site proper for the permanent Seat, is not at this time at the disposal of this Territory, or the General Government, it is expected That congress will, Whenever the Indian title shall be extinguished, grant us a township of six miles square, to be selected by such persons, as the future state may appoint; and whereas congress will receive the most correct information from this body, to enable them to proportion the number of representatives to the convention in the different counties, we recommend the following as proportioned to the census of each county, according to their present boundaries to wit.—

Wayne	4.
Franklin	5.
Dearborn	3.
Switzerland	1.
Jefferson	3.
Clark	5.
Perry	1.
Washington	5.
Harrison	4.
Knox	5.
Gibson	4.
Posey	1.
Warrick	1.

And whereas the inhabitants of this Territory, are principally composed of emigrants, from every part of the union, and as various in their customs and sentiments, as in their persons, we think it prudent at this time to express to the General Government, our attachment to the fundamental principles of Legislation, prescribed by congress in their ordinance for the Government of this Territory, particularly as respects personal freedom and involuntary servitude, and hope that they may be continued as the basis of our constitution.—

DENNIS PENNINGTON *Speaker of the House of representatives*

DAVID ROBB *president of the Legislative Council—*


(Boundaries of present-day counties shown by dashed lines)
Michigan Territory
Illinois Territory
KNOX
WAYNE
FRANKLIN
Unorganized Area
DEARBORN
JEFFERSON
SWITZERLAND
JACKSON
ORANGE
Vincennes
WASHINGTON
CLARK
GIBSON
HARRISON
Corydon
PERRY
POSEY
WARRICK
0 20 40
miles

Indiana Counties, 1816
From: Robert C. Kingsbury, *An Atlas of Indiana* (Bloomington: Department of Geography, Indiana University, 1970).

Document 15

Indiana Enabling Act, 1816

From: Hubert H. Hawkins, compiler, *Indiana's Road to Statehood* (Indianapolis: Indiana Historical Bureau, 1969).

An act to enable the people of the Indiana Territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states.

Be it enacted by the senate and house of representatives of the United States of America, in congress assembled, That the inhabitants of the territory of Indiana be, and they are hereby authorized to form for themselves a constitution and state government, and to assume such name as they shall deem proper; and the said state, when formed, shall be admitted into the union upon the same footing with the original states, in all respects whatever.

Sec. 2. *And be it further enacted*, That the said state shall consist of all the territory included within the following boundaries, to wit: bounded on the east, by the meridian line which forms the western boundary of the state of Ohio; on the south, by the river Ohio, from the mouth of the Great Miami river, to the mouth of the river Wabash; on the west, by a line drawn along the middle of the Wabash from its mouth, to a point, where a due north line drawn from the town of Vincennes, would last touch the north western shore of the said river; and from thence by a due north line, until the same shall intersect an east and west line, drawn through a point ten miles north of the southern extreme of lake Michigan; on the north, by the said east and west line, until the same shall intersect the first mentioned meridian line which forms the western boundary of the state of Ohio: *Provided*, That the convention hereinafter provided for, when formed, shall ratify the boundaries aforesaid; otherwise they shall be and remain as now prescribed by the ordinance for the government of the territory northwest of the river Ohio: *Provided also*, That the said state shall have concurrent jurisdiction on the river Wabash, with the state to be formed west thereof, so far as the said river shall form a common boundary to both.

Sec. 3. *And be it further enacted*, That all male citizens of the United States, who shall have arrived at the age of twenty one years, and resided within the said territory, at least one year previous to the day of election, and shall have paid a county or territorial tax; and all persons having in other respects the legal qualifications to vote for representatives in the general assembly of the said territory be, and they are hereby authorized to choose representatives to form a convention, who shall be apportioned amongst the several counties within the said territory, according to the apportionment made by the legislature thereof, at their last session, to wit: from the county of Wayne, four representatives; from the county of Franklin, five representatives; from the county of Dearborn, three representatives; from the county of Switzerland, one representative; from the county of Jefferson, three representatives; from the county of Clark, five representatives; from the county of Harrison, five representatives; from the county of Washington, five representatives; from the county of Knox, five representatives; from the county of Gibson, four representatives; from the county of Posey, one representative; from the county of Warrick, one representative; from the county of Perry, one representative. And the election for the representatives aforesaid, shall be holden on the second Monday of May, one thousand eight hundred and sixteen, throughout the several counties in the said territory; and shall be conducted in the same manner, and under the same penalties, as prescribed by the laws of said territory, regulating elections therein for members of the house of representatives.

Sec. 4. *And be it further enacted*, That the members of the convention, thus duly elected be, and they are hereby authorized to meet at the seat of the government of the said territory, on the second Monday of June next, which convention, when met, shall first determine, by a majority of the whole number elected, whether it be, or be not expedient, at that time, to form a constitution and state government, for the people within the said territory, and if it be determined to be expedient, the convention shall be, and hereby are authorized, to form a constitution and state government: or if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a constitution, or frame of government: which said representatives shall be chosen in such manner, and in such proportion, and shall meet at such time and place, as shall be prescribed by the said ordinance, and shall then form, for the people of said territory, a constitution and state government: *Provided*, That the same, whenever formed, shall be republican, and not repugnant to those articles of the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven, which are declared to be irrevocable between the original states, and the people and states of the territory northwest of the river Ohio; excepting so much of said articles as relate to the boundaries of the states therein to be formed.

Sec. 5. *And be it further enacted*, That until the next general census shall be taken, the said state shall be entitled to one representative in the house of representatives of the United States.

Sec. 6. *And be it further enacted*, That the following propositions be, and the same are hereby offered to the convention of the said territory of Indiana, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States.

First. That the section numbered sixteen, in every township, and when such section has been sold, granted or disposed of, other lands, equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such township for the use of schools.

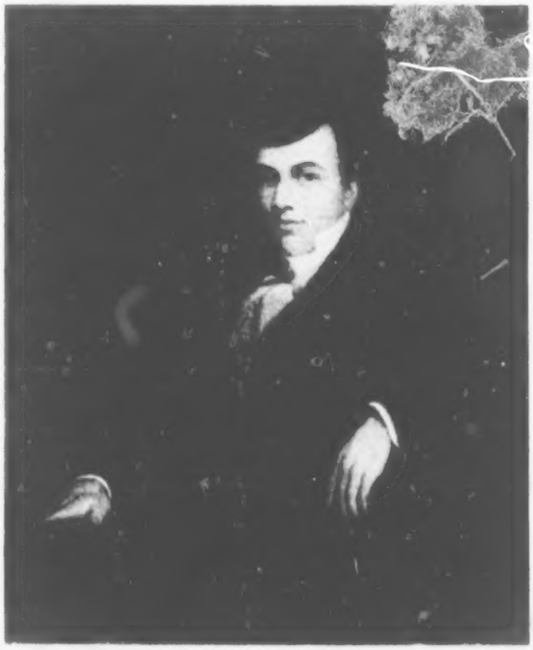
Second. That all salt springs within the said territory, and the land reserved for the use of the same, together with such other lands as may, by the president of the United States, be deemed necessary and proper for working the said salt springs, not exceeding, in the whole, the quantity contained in thirty-six entire sections shall be granted to the said state, for the use of the people of the said state, the same to be used under such terms, conditions, and regulations as the legislature of the said state shall direct: provided the said legislature shall never sell nor lease the same, for a longer period than ten years at any one time.

Third. That five per cent of the net proceeds of the lands lying within the said territory, and which shall be sold by Congress from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the said state, under the direction of the legislature thereof, and two-fifths to the making of a road or roads leading to the said state under the direction of Congress.

Fourth. That one entire township, which shall be designated by the president of the United States, in addition to the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of the said state, to be appropriated solely to the use of such seminary by the said legislature.

Fifth. That four sections of land be, and the same are hereby granted to the said state, for the purpose of fixing their seat of government thereon, which four sections shall, under the direction of the legislature of said state, be located at any time, in such township and range, as the legislature aforesaid may select, on such lands as may hereafter be acquired by the United States, from the Indian tribes within the said territory: *Provided*, That such locations shall be made prior to the public sale of the lands of the United States, surrounding such location: *And provided always*, That the five foregoing propositions, herein offered, are, on the conditions that the convention of the said state shall provide by an ordinance irrevocable, without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of December next, shall be and remain exempt from any tax, laid by order or under any authority of the state, whether for state, county or township, or any other purpose whatever, for the term of five years, from and after the day of sale.

[Approved, April 19, 1816]



Jonathan Jennings by James Forbes
Courtesy Robert Wallace and Indiana Historical Bureau
Jennings served as first governor of the state of Indiana.

Select Bibliography

The following bibliography on the 1787 Northwest Ordinance has been prepared especially for secondary school teachers of American history, government, and civics. These books and journal articles might be used by teachers as background reading in preparation for teaching lessons in this volume. They might also be assigned as extra reading by students interested in extending their knowledge of ideas treated in these lessons.

A few items in this bibliography include an ED number, which identifies them as resources in the ERIC (Educational Resources Information Center) system. These resources are available in microfiche or paper copies from the ERIC Document Reproduction Service (EDRS). For information and prices write to EDRS, 3900 Wheeler Avenue, Alexandria, Virginia 22304. Abstracts and descriptive information on these ERIC documents are published in *Resources in Education* (RIE). Most ERIC documents are available for viewing in microfiche at libraries that subscribe to the ERIC collection.

Berkhofer, Robert E. "Jefferson, the Ordinance of 1784, and the Origins of the American Territorial System." *William and Mary Quarterly*, 29 (April 1972): 231-262.

Billington, Ray Allen. *Westward Expansion: A History of the American Frontier.* New York: Macmillan, 1967.

Bloom, John Porter, ed. *The American Territorial System.* Athens: Ohio University Press, 1973.

Buley, R. Carlyle. *The Old Northwest: Pioneer Period, 1815-1840.* Indianapolis: Indiana Historical Society, 1950; reprint Bloomington: Indiana University Press.

Burnett, Edmund Cody. *The Continental Congress, 1774-1789.* New York: W.W. Norton, 1964.

Eblen, Jack Ericson. *The First and Second United States Empires.* Pittsburgh: University of Pittsburgh Press, 1968.

Hinsdale, B.A. *The Old Northwest: The Beginnings of Our Colonial System.* Boston: Silver, Burdett and Company, 1899.

Indiana Historical Society. *Proceedings of the Indiana Historical Society, 1830-1886.* Indianapolis: The Bowen-Merrill Company, 1897.

Jacobson, Daniel. *The Northwest Ordinance of 1787: A Special Teaching Unit.* East Lansing: Michigan State University Alumni Association, 1987.

Jensen, Merrill. *The New Nation: A History of the United States During the Confederation, 1781-1789.* New York: Alfred A. Knopf, 1950.

Lindley, Harlow, *et al.* *History of the Ordinance of 1787 and the Old Northwest Territory.* Marietta, Ohio: Northwest Territory Celebration Commission, 1937.

Madison, James H. *The Northwest Ordinance and Constitutional Development in Indiana.* Paper presented at the Symposium on the Constitution and Northwest Ordinance in the Education of Citizens held at Ball State University, Muncie, Indiana, March 13, 1986. ED 268 057.

— — — *The American Constitution and the Old Federalism: Views From the Hoosier State.* Bicentennial of the U. S. Constitution Lecture Series. Bloomington: The Poynter Center of Indiana University, 1985.

Malone, Dumas. *Jefferson the Virginian.* Boston: Little, Brown and Company, 1948, pp. 373-423.

Onuf, Peter S. "From Constitution to Higher Law: The Reinterpretation of the Northwest Ordinance." *Ohio History*, 94 (Winter/Spring 1985): 5-33.

— — — *The Origins of the Federal Republic: Jurisdictional Controversies in the United States, 1775-1787.* Philadelphia: University of Pennsylvania Press, 1983.

— — — *Statehood and Union: A History of the Northwest Ordinance.* Bloomington: Indiana University Press, 1987.

Patrick, John J. *Lessons on the Northwest Ordinance: A Teaching Unit of Six Lessons.* Bloomington, Indiana: Social Studies Development Center of Indiana University, 1986. ED 272 438.

— — — *Teaching About the Constitution and Northwest Ordinance in Secondary School.* An occasional paper of the Social Studies Development Center of Indiana University, 1987. ED number to be assigned.

——— "The Constitution and the Northwest Ordinance in the Education of Citizens." *International Journal of Social Education*, 2 (Spring 1987): 5-15.

——— and Richard C. Remy. *Lessons on the Constitution.* Washington, D.C.: Project '87 of the American Historical Association and the American Political Science Association, 1985. ED 258 891.

Pease, Theodore C. "The Ordinance of 1787." *Mississippi Valley Historical Review*, 25 (September 1938): 167-180.

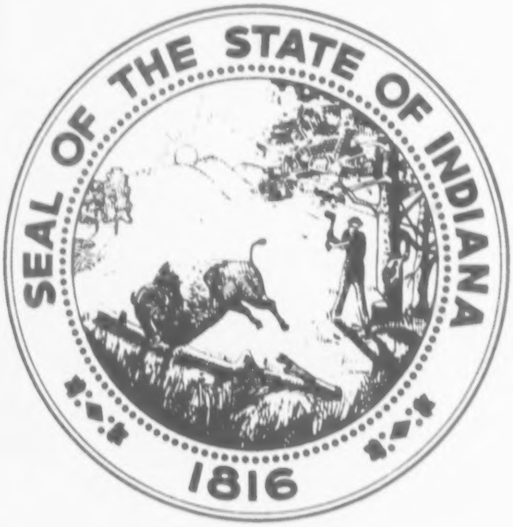
Philbrick, Francis S. *The Rise of the West, 1754-1830.* New York: Harper & Row, 1965.

Rakove, Jack N. *The Beginnings of National Politics: An Interpretive History of the Continental Congress.* NewYork: Alfred A. Knopf, 1979.

Risinger, C. Frederick. "Resources for Teaching About the U.S. Constitution and the Northwest Ordinance." *International Journal of Social Education*, 2 (Spring 1987): 99-108.

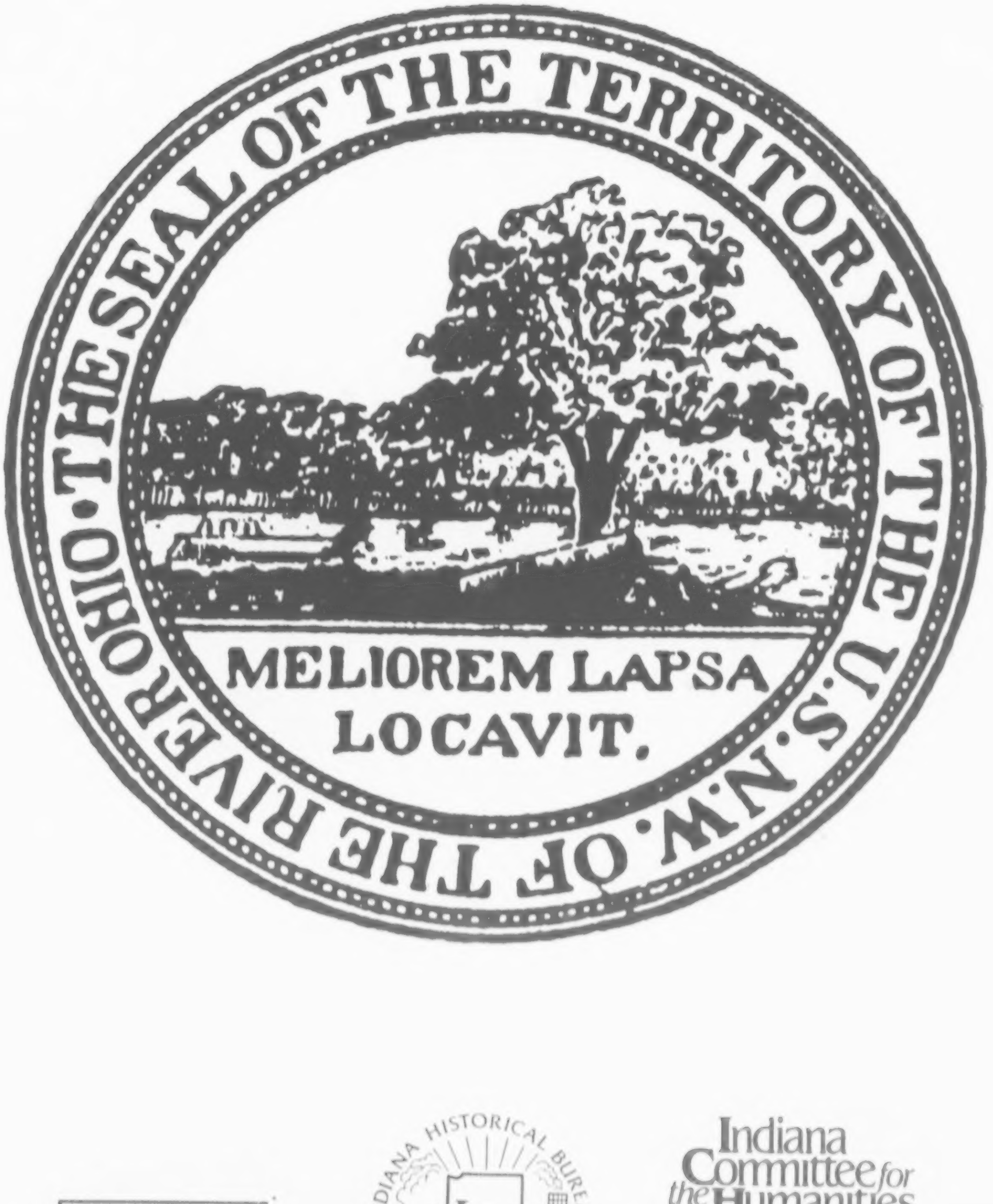
Shriver, Philip R. "America's Other Bicentennial." *Old Northwest*, 9 (Fall 1983): 219-235.

Taylor, Robert M., Jr., ed. *The Northwest Ordinance, 1787: A Bicentennial Handbook.* Indianapolis: Indiana Historical Society, 1987.



Seal of the State of Indiana

Both the 1816 and 1851 Indiana Constitutions provide for a state seal to be "kept by the Governor for official purposes." It was not until 1963, however, that the General Assembly gave legal sanction to the traditional design and provided an official description. Versions of the pioneer scene have been used on Indiana seals since territorial days and are found on official papers as early as 1801. The Seal of the State of Indiana is an instrument of authority and by its use official documents are attested. By historical tradition, where the device resides becomes the seat of state government.


THE SEAL OF THE TERRITORY OF THE U.S. N.W. OF THE RIVER OHIO
MELIOREM LAPSA LOCAVIT.

ERIC

INDIANA HISTORICAL BUREAU
IHB

Indiana Committee for the Humanities

This program has been made possible through a matching grant from the Indiana Committee for the Humanities in cooperation with the National Endowment for the Humanities

ISBN 0-941339-02-5